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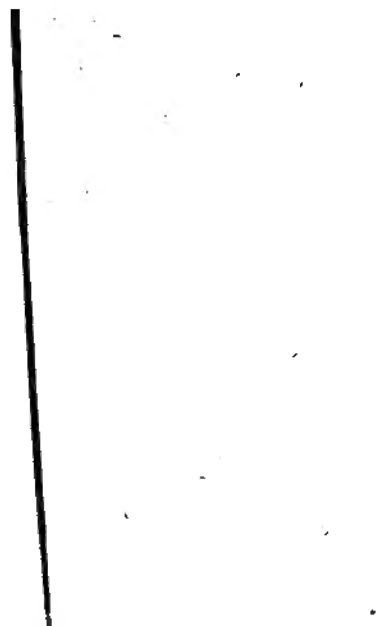
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Henry A. Robinson  
4 Apr. 1916

# N. Y. SUPREME COURT,

General Term—First Department.

IN THE MATTER

of

The Application of THE BROADWAY SURFACE RAILROAD COMPANY for the appointment of three Commissioners to determine whether the Railroad described or mentioned in the Articles of Association filed for the incorporation of said Company ought to be constructed, &c.

10,348

PROCEEDINGS BEFORE

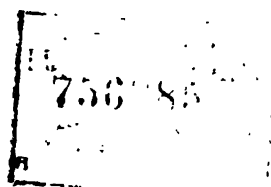
SYDNEY S. HARRIS,  
SAMUEL B. H. VANCE,  
GEORGE W. T. LORD,  
*Commissioners.*

40 VOL. I.

ROBINSON, SCRIBNER & BRIGHT,  
*Attorneys for Petitioner, The Broadway  
Surface Railroad Company,  
No. 150 Broadway, New York.*

NEW YORK:  
DOUGLAS TAYLOR, LAW PRINTER, 89 NASSAU STREET, COR. FULTON.

1885.



ROY W. W. W.  
1987  
1987

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IN THE MATTER

*of*

The Application of THE BROADWAY SURFACE RAILROAD COMPANY, for the appointment of three Commissioners to determine whether the railroad described or mentioned in the Articles of Association, filed for the incorporation of said Company, ought to be constructed, etc.

1

2

We, the undersigned, Commissioners appointed by the General Term of the Supreme Court of the State of New York, held in and for the First Judicial District and Department in the City of New York, by an order duly made and entered on the 29th day of December, 1884, to determine, after a hearing of all parties interested, whether the railroad described or mentioned in the Articles of Association, which were filed and recorded in the office of the Secretary of State, for the incorporation of the Broadway Surface Railroad Company, ought to be constructed and operated upon that portion of the streets or highways of the City of New York which constitute the route of the railroad which said company was organized and incorporated to construct, maintain and operate—that is to say : Commencing at the southerly end of Broadway, near the Battery, and running thence with double tracks through and along Broadway, and across Fourteenth Street, to and along Union Square to a point at or near the intersection of Fifteenth Street and West Union Square, there to connect with the now existing tracks in Union Square or Broadway, which run through Union Square, Broadway and Seventh Avenue to Central Park or Fifty-ninth Street. Together with the necessary switches, sidings, turn-outs, turn-tables and suitable stands for the convenient working of such road, with the proposed

3

4 connections, likewise mentioned in said Articles of Association—do hereby give public notice that we will hold our first sitting on the third day of January, 1885, at 12 o'clock noon, at the General Term Rooms of the Supreme Court, at the County Court House in the City of New York, and at the time and place specified for such first meeting, and at such further time and place to which we may adjourn, we, the said Commissioners, will give public hearing to all parties interested, and determine, after such public hearing of all parties interested, whether the said railroad ought to be constructed and operated.

Dated, New York, December 29th, 1885.

5 SIDNEY S. HARRIS,  
SAMUEL B. H. VANCE,  
G. W. T. LORD,

*Commissioners.*

NEW YORK, January 3d, 1885.

Met pursuant to the foregoing notice.

Present—Commissioners Harris, Vance and Lord.

Appearances :—

Robinson, Scribner & Bright, on behalf of the petitioner.

Strong & Cadwalader, in opposition, and in behalf of the Broadway Railroad Company.

6 Thomas L. Ogden, for the estate of David Henry Haight, Harriet L. Schuyler, and the heirs of Eugene Langdon, owners of property on Broadway, opposed.

Sumner B. Stiles, Esq., on behalf of John Ackerman, 712 Broadway.

Evarts, Choate & Beaman, for Sarah A. Boreel, owner of 115 Broadway, opposed.

Sutherland Tenny, Esq., for the Washington Building Company, in opposition.

*Mr. Harris:* We see no reason why we should not adopt the same views as we did on the former occasion. The Commissioners under their former order adopted certain rules which of course are applicable to this case, and as there has been no reason given why there should be any alteration, we adopt the same rules now, which are as follows:

*First.*—The petitioner, and those interested in having the permission granted under the order which

is before us, shall first present what they have to submit in support of their proposition, as to whether such a railroad should be constructed and operated as is mentioned in their articles of association. 7

*Second.*—All parties interested in the matter, opposing the granting of the permission, that such railroads should be constructed and operated as is mentioned in the articles of association, shall then be heard.

*Third.*—After all parties have been heard in opposition, the petitioner will be heard in answer to objections presented to the granting of the petition.

*Mr. Scribner :* The first piece of evidence which will be offered on behalf of the petitioner is the resolution of the Common Council of the City of New York, which was passed and adopted on the 5th day of December, 1884. Notwithstanding the objections of his Honor the Mayor, giving and granting to the Broadway Surface Railroad Company, the petitioner, the consent of the Common Council for the construction, maintenance and operation of its road. I have three copies of that consent contained in the *City Record* of December 6th, 1884, which by the charter is made evidence. I will hand those up. I will let the certified copy, certified by the Clerk, be marked. It is as follows: 8

Alderman McLoughlin then called up veto message of his Honor the Mayor (No. 264), of a preamble and resolution, as follows:

*Whereas,* The Broadway Surface Railroad Company heretofore made application in writing to the Common Council of the City of New York for its consent and permission to be granted to the said company to construct, maintain, operate and use a street surface railroad, to be operated by horse power, upon and along the surface of the streets, avenues and highways in the City of New York, and upon the route mentioned in the petition of said the Broadway Surface Railroad Company, dated October 3, 1884, addressed to the said Common Council, and duly verified on the same day by James A. Richmond, President of the said company; and 9

*Whereas,* On receipt of the said petition in writing, containing the aforesaid application of the said company for the consent of the Common Council to the construction, operation and use by said company of

- 10 its proposed railroad upon the route mentioned in said petition, the Common Council caused public notice of such application, and of the time and place when the same would be first considered, to be published daily for at least fourteen days in two daily newspapers of the City of New York, to wit, in the *New York World* and the *Evening Post*, which papers were designated for that purpose by his Honor the Mayor, and the said notice having been likewise published daily at least fourteen days in the newspaper published in the City of New York called the *Daily Register*; and

- 11 *Whereas*, On the 29th day of October, 1884, at 11 o'clock A. M., at the Chamber of the Board of Aldermen, that being the time and place designated in said notice, a meeting of the Common Council was had to first consider the aforesaid application of said the Broadway Surface Railroad Company, and the said application and the accompanying papers having been thereupon referred to the Committee on Railroads, in order that all persons interested might have a hearing, and the said committee having had several protracted sessions at which every person interested, either for or against the application, who desired to be heard, was heard, and the said committee having listened to, and received all arguments or evidence offered in support of or against the said application, and having made their report to this Board, dated November 10, 1884, accompanied by a stenographic or printed record of the proceedings
- 12 before the committee, together with all documents or exhibits offered by any or either of the parties, and the said report and record and the accompanying papers having been duly considered by the Board; and

*Whereas*, In the opinion of the Common Council, an urgent necessity exists for a railroad in Broadway, between the Battery and Union Square, for the accommodation of the general public; and

*Whereas*, In the judgment of this Board it is not expedient to make an auction sale of the consent or permission which alone the Common Council has power to grant for the construction of the proposed railroad, but this Board has determined to exact from any company to whom its consent for the construction of a railroad on Broadway shall be granted, in addition to the percentages on gross receipts, which by law is required to be paid into the City

Treasury, such further compensation as shall be 13  
just and fair, bearing in mind that the object to be  
attained is not chiefly revenue, but the promotion  
of the public interest, by securing an efficient and  
well conducted railroad, which will afford the great-  
est accommodation to the public with the least in-  
terference of the present use of the street or the  
pavement thereof, or the structures underneath the  
same; and

*Whereas*, A horse railroad can be easily constructed  
on Broadway, without any protracted interference  
with the public travel on said street or with the use  
thereof by carriages, trucks and other vehicles;  
and

*Whereas*, In the judgment of the Common Coun-  
cil the public inducements offered by the petitioner 14  
in the proposed construction and operation of its  
railroad are superior to those which under the law  
can be offered by any other company; now, there-  
fore,

*Resolved*, That the consent of this Board be and  
the same is hereby granted and permission of the  
Common Council is hereby given to said the Broad-  
way Surface Railroad Company to construct, main-  
tain, operate and use a street surface railroad for  
public use in the conveyance of persons and property  
in cars upon and along the surface of the following  
streets, avenues and highways in the City of New  
York, to wit: Commencing at the southerly end of  
Broadway near the Battery and running thence with  
double tracks through and along Broadway and 15  
across Fourteenth street to and along Union Square  
to a point at or near the intersection of Fifteenth  
Street and West Union Square, together with the  
necessary connections, switches, sidings, turn-outs,  
turn-tables and suitable stands for the convenient  
working of said road; and it is hereby further

*Resolved*, That the consent of the Common Coun-  
cil is given and granted to said the Broadway Sur-  
face Railroad Company for the construction, main-  
tenance and use of its proposed railroad, as  
aforesaid, upon the streets, avenues and route  
hereinbefore mentioned, expressly upon the follow-  
ing conditions and not otherwise:

*First*—The said railroad shall be constructed  
according to the most approved plan for the con-  
struction of city railroads and with the most  
approved pattern of steel rails, which shall be laid



- 16 in such manner as to interfere as little as possible with the use of the surface of the street by trucks, carriages and other ordinary vehicles, and the said connections, switches, sidings, turn-outs, turn-tables and suitable stands which shall be necessary for the convenient working of said road, shall likewise be constructed after the most approved plan, and shall be equal in all respects to the best of their kind now in use on any city railroads in the City of New York.

- Second*—The said railroad shall be operated by horse-power only, and the cars to be run on said railroad shall be drawn by not less than two horses, and shall each be provided with a conductor as well as a driver ; provided, however, that the said company may make use of any motive power suitable for  
17 the purposes of a street surface railroad other than locomotive steam power, which may hereafter be consented to by the local authorities and by a majority of the property owners obtained in accordance with the provisions of chapter 252 of the Laws of 1884.

- Third*—The said company shall comply with all reasonable ordinances or regulations which the local authorities having charge of streets, avenues, roads or highways in the City of New York shall make as to the rate of speed, mode of use of tracks and removal of ice and snow from said tracks as the interest and convenience of the public may require ; and this consent is likewise given upon the express  
18 condition that said company shall not charge any passenger more than five cents for one continuous ride from any point on its road or on any road or line or branch operated by it or under its control, to any other point thereon, or on any connecting branch thereof, within the limits of the City of New York, and if said company has acquired, or shall hereafter obtain, the right to run its cars upon the existing tracks of the Broadway and Seventh Avenue Railroad Company, or if the Broadway and Seventh Avenue Railroad Company has heretofore acquired, or shall hereafter obtain, the right to run its cars on the said railroad tracks proposed to be constructed by the Broadway Surface Railroad Company, but one fare of five cents shall be charged for the transportation of a single passenger over the whole or any portion of said respective tracks when run in such connection. Provided,

further, that no railroad company shall be permitted 19  
 to run any cars upon or over any portion of Broad-  
 way, below Fifteenth Street, unless upon the express  
 condition of payment being made into the City  
 Treasury of three per cent. during the first five  
 years, and five per cent. thereafter, of the gross  
 receipts from passengers riding upon any portion  
 of the railroad tracks which may be constructed  
 pursuant to this consent or permission. And said  
 the Broadway Surface Railroad Company shall also,  
 whenever and as required, and under the supervision  
 of the proper local authorities, have and keep in  
 permanent repair the portion of every street and  
 avenue or highway upon which its tracks shall be  
 constructed pursuant to this consent, between its  
 tracks, the rails of its tracks and a space two feet in 20  
 width outside of and adjoining the outside rails of  
 its track or tracks so to be constructed, so long as  
 it shall continue to use such tracks so constructed  
 under the provisions of this resolution and consent.

*Fourth*—The said the Broadway Surface Railroad  
 Company shall, for and during the first five years  
 after the commencement of the operation of any  
 portion of its railroad constructed pursuant to this  
 consent and permission, annually on the first day of  
 November in each year, pay into the treasury of the  
 City of New York, to the credit of the Sinking Fund  
 thereof, three per cent. of its gross receipts for and  
 during the year ending the next preceding thirtieth  
 day of September, and also after the expiration of 21  
 said five years make a like annual payment of five  
 per cent. of its gross receipts into the treasury of  
 said city to the credit of the Sinking Fund thereof,  
 instead of three per cent. ; and if, under any pro-  
 vision of law, the Broadway Surface Railroad Com-  
 pany shall permit the cars of any other street sur-  
 face railroad company to run upon the railroad  
 tracks to be constructed pursuant to this consent and  
 permission, it shall likewise be the duty of said the  
 Broadway Surface Railroad Company to pay or  
 cause to be paid into the treasury of this city, to the  
 credit of the Sinking Fund thereof, during the first  
 five years, an amount equal to three per cent., and  
 after the expiration of five years an amount equal to  
 five per cent. of the gross receipts of such other rail-  
 road company derived from passengers riding in any  
 of its cars on any portion of Broadway south of  
 Fifteenth Street, and that, too, whether any of such

- 22 passengers enter or leave the said cars above or below Fifteenth Street. And it shall be the duty of the President and Treasurer of said the Broadway Surface Railroad Company, on or before the first day of November in each year, to make a verified report to the Comptroller of the City of New York of the gross amount of its receipts derived from passengers riding in its cars for the year ending the next preceding 30th day of September, and the books of said company shall be open to inspection and examination by said Comptroller or his duly appointed agent, at all reasonable times, for the purpose of ascertaining the correctness of said report as to said gross receipts; and it shall be the further duty of the Broadway Surface Railroad Company to ascertain and keep, or cause to be kept, an account of the number of
- 23 passengers carried in the cars of any other railroad company over any portion of the tracks of the Broadway Surface Railroad Company constructed and laid pursuant to the provisions of this consent, in such manner as shall be approved by the Comptroller of the City of New York. And it is the intention of this provision that for the purpose of computing the percentages to be paid into the City Treasury, pursuant to the terms and conditions of the consent or permission of the Common Council hereby given, each and every passenger riding in either direction on any part of Broadway south of Fifteenth Street upon or over any portion of the railroad tracks which shall be constructed by the Broadway Surface
- 24 Railroad Company pursuant to this consent shall be regarded as having paid five cents fare to the company in whose car he shall ride, and for the payment of the percentages on all fares received from such passengers by any railroad company using such tracks the Broadway Surface Railroad Company shall be responsible.

*Fifth*—And this consent of the Common Council is likewise given upon the express condition that said the Broadway Surface Railroad Company, in addition to the percentages of gross receipts hereinbefore required to be paid by it into the City Treasury, shall, at the expiration of the first year from the date when the operation of its railroad shall commence, and annually thereafter, pay into the City Treasury to the credit of the Sinking Fund thereof, by way of rent or as additional compensation, the sum of forty thousand dollars per annum;

being equivalent to the interest on one million dollars at four per cent., and said the Broadway Surface Railroad Company shall execute to the Mayor, Aldermen and Commonalty of the City of New York a bond, with at least two sufficient sureties, to be approved as to form and sufficiency of the sureties by any justice of the Supreme Court in the First Judicial District and Department, in the penal sum of one hundred thousand dollars for the due and regular payment of said annual sum of forty thousand dollars, and for the due and regular payment of the aforesaid percentages on gross receipts. 25

*Sixth*—And the consent herein given is granted likewise on the express condition that all the provisions of chapter 252 of the Laws of 1884, pertinent thereto, shall be complied with.

*Seventh*—And this consent and permission is given upon the further condition that said the Broadway Surface Railroad Company shall, within sixty days after the adoption by the Common Council of the foregoing resolutions, execute, under its corporate seal, to be attested by its President or Treasurer, and by virtue of a resolution of its Board of Directors, an instrument in writing, which shall be delivered to the Comptroller of the City of New York, and which shall contain and express the acceptance by said company of the aforesaid consent and permission of the Common Council for the construction, use and operation by said company of its proposed railroad upon the streets and route above mentioned, upon the aforesaid terms and conditions 26  
upon which the said consent or permission is granted and binding, the said company to abide by, comply with, fulfill, perform, and keep the terms and conditions aforesaid, and also binding the said company to build, equip and commence to operate its proposed railroad within one year after it shall obtain the consent of the requisite number of property-owners, or the report of Commissioners confirmed by the Court, as required by the Constitution and Laws of this State, and likewise binding the said company to prosecute with diligence all necessary proceedings to perfect its right to build, construct and operate its proposed railroad, but no delays which may occur by reason of injunctions or hostile legal proceedings shall affect in any manner the consent or permission hereby granted, provided the said company shall proceed with reasonable 27

28 diligence to build, complete and commence to operate its proposed railroad after the removal of such legal obstacles, and shall execute and deliver to the Comptroller the obligation or instrument of acceptance aforesaid within sixty days after the removal of such legal obstacles.

But it is further provided that in the event of the failure or neglect of the said company to make the said report and the payment of the said percentages as hereinbefore directed and required, then and in that event the provisions of section 8 of chapter 252 of the Laws of 1884, providing for a forfeiture of the rights, privileges and franchises of such company, shall be applicable.

29 The Board then, as provided in section 75, chapter 410, Laws of 1882, proceeded to reconsider the same, and, upon a vote being taken thereon, was adopted, notwithstanding the objections of his Honor the Mayor, as follows :

*Affirmative*—The President, Aldermen Cleary, De Lacy, Dempsey, Duffy, Farley, Finck, Fullgraff, Jaehne, Kenney, Miller, McCabe, McLoughlin, McQuade, O'Neill, Pearson, Reilly, Rothman, Sayles, Sheils, Waite and Wendel—22.

*Negative*—Aldermen Grant and O'Connor—2.

PETER A. HAWES, being called and duly sworn on behalf of the petitioner, testified as follows :

30 *Examined by Mr. Scribner:*

Q. You are a citizen of the City of New York ?  
A. Yes, sir ; born here.

Q. You were born in the City of New York ? A. Yes, sir.

Q. Have you resided here ever since ? A. Yes, sir ; all my life.

Q. Where is your residence ? A. 206 West One Hundred and Twenty-fifth Street.

Q. Are you engaged in any business ? A. Yes, sir.

Q. What is your business ? A. Importer.

Q. Where is your place of business ? A. My present place of ousiness is 96 Greene Street.

Q. You recently attended as a citizen before the Board of Aldermen when the question was up for consideration before the Aldermen whether the consent of the city should be granted to the petitioner,

the Broadway Surface Railroad Company, for the construction of its proposed road on Broadway? 31

A. Yes, sir.

Q. Have you any connection with the Broadway Surface Railroad? A. Not at all, or with any road; neither present or prospective.

Q. For what purpose did you attend before the Board of Aldermen? A. I came of my own volition, because I saw the subject was up for consideration; I came at my own convenience and for the general good, as I thought that it might be of benefit to the community to give my views.

Q. As a citizen and in regard to the public interest and not from any connection with the petitioner?

A. No, sir; not from any private or personal knowledge of any of the parties or for any purpose whatever excepting the one I have stated. 32

Q. You stated you had lived in New York all your life; about how many years would that be? A. Somewhere in the neighborhood of sixty years.

Q. You are familiar with Broadway, the artery of the city, upon which it is proposed to construct this road? A. Yes, sir.

Q. Will you be good enough to tell the Commissioners whether, in your opinion, it would be to the advantage of the public at large—that is, the general public, to have a railroad constructed, maintained and operated upon Broadway between the Battery and Union Square, and if it is your opinion that it would be to the advantage of the general public, state your reasons? A. I have always held that opinion in regard to a Broadway railroad; as long ago as it was agitated and opposed by A. T. Stewart and other dealers, at that time I thought they were very foolish about the matter, and so stated; I considered their interests and the interests of trade would be benefited by it; but there were other reasons that I considered of much more importance; it did not matter to me what shopkeeper or what wholesale dealer was going to be unaccommodated or accommodated; that is of very small consequence to the general question of what the public in New York needs for travel—the general public; I speak for them and for nobody else; Broadway is nothing but a business thoroughfare, and therefore we want accommodation such as business men ought to have, and I am bound to think will have ultimately on that great thoroughfare; there are some dealers 33

34 who oppose this railroad, and I understand there is a man in the hat business that is very much opposed to it; well, I have smashed my hat so often getting in and out of omnibuses, and I can very easily imagine how a hat dealer would be in favor of continuing the omnibuses; of course there are a great many little petty interests that would be served perhaps by the present state of things; but if a horse railroad is constructed on Broadway, in my opinion, we will see a very different state of things, so far as our business interests are concerned; it will save time, and time is money; it will be a benefit to Wall Street and to Broadway and all the business people that centre here; it will also be a benefit to the people who live up town and want to go back and forth; some one, for instance, lives up town  
35 and wants to go to the South Ferry; it is a very pleasant thing to be able to jump on the elevated or to jump into a horse-car and go right down to the ferry; whereas the chances are ten to one that if you undertook it in the omnibuses you would not get the accommodation that you wanted; you would have to stand up the best way you could, and even then you would not get proper standing room.

I take it if we have a fixed iron rail through the centre of Broadway it will be a sort of boundary line which would keep the trucks to the right and to the left—to the right coming down and to the right going up; and it will divide them, as it were, and restore order where there is confusion and almost collision almost daily to-day; now they cut across the street in any direction they please; a rail of this sort will be a kind of regulating line, and would help the street in that regard; but the main object that arises in my mind in relation to this matter is the one that I started with, and that is the accommodation it would afford to the citizens of New York to have a horse railroad on Broadway; that is the main object with me, and all others, I think, are of very slight consequence; whether it hurts some dealer in his business or some hatter, is of no consequence at all compared to the good to the general public; there were a good many people whose interests were hurt by the elevated road—a great many who thought they suffered from the encroachment; but after all it was a necessary encroachment and nobody who lives in New York could truthfully



say to-day, we can get along without the elevated 37  
 road ; and so it is in regard to this question of a  
 horse railroad on Broadway ; the little petty wants  
 and preferences of dealers are of very small conse-  
 quence as against the general good ; that is my  
 stand and where my testimony has its bearing ; on  
 no other point do I pretend to speak ; I do not own  
 any land in New York or any railroad stock, and I  
 am not interested in any of the different corpora-  
 tions, and I have no acquaintance with the gentle-  
 men who are ; I speak individually and outside  
 of that and entirely by myself as a general observer ;  
 and I have talked to a great many people—men of  
 intelligence and men of experience who have no  
 axes to grind in this matter, and I have not found  
 anybody who differed with me ; on the contrary, they  
 have expressed a general concurrence with my views. 38

Q. You have witnessed the construction, exten-  
 sion and growth of all the street railroad lines that  
 are now in operation in the City of New York ? A.  
 Yes, sir.

Q. Tell us in a general way whether the effect of  
 the construction and operation of the street railroads  
 has been for the advantage or the detriment to the  
 general public ? A. When the up-town Broadway  
 Railroad started I remember there was a great deal  
 of horror expressed by some people that it was  
 going to encroach upon the sacred precincts of  
 Arnold & Constable, and all those sacred centres of  
 fashion and commerce ; well, one of the arguments  
 was, what are the ladies going to do who come in 39  
 carriages, they will have no show, it will be impos-  
 sible to drive up in front of Arnold & Constable's ;  
 well, I never asked Arnold & Constable's people  
 whether they have that opinion or not now, but  
 from my own observation ladies are not troubled  
 very much on account of that street railroad ; also  
 when the Sixth Avenue Railroad was built there was  
 the same cry ; Altman was going to be encroached  
 upon and his elegant and recherche establishment was  
 going to be injured, but it has turned out quite the  
 contrary ; it has built up the business of these men,  
 and all of these arguments against a street railroad  
 on account of its encroachment upon business is  
 utter nonsense ; it will build up any property ; I have  
 never seen a case where a street railroad has been a  
 permanent injury to anybody's property ; take the  
 case of the street railroad in that great thoroughfare

40 known as Church Street—that little narrow street where the heavy wholesale commission houses are turning in and out goods where they back their carts up, and even that road with all its little stoppages and with all the difficulties with which it meets—even that road is a benefit and a blessing to the locality, and if I wanted to go up town I would jump into one of those cars, although I might be blockaded the next minute; I would take my chances.

Q. Now, with regard to upper Broadway, where you have said there is a horse railroad; as compared with lower Broadway—that is Broadway south of Fourteenth Street—what has been the effect of that railroad in promoting business or otherwise? A. I think it has promoted business  
41 decidedly.

Q. During the last twenty years what has been the effect of the want of a horse railroad on Broadway, south of Fourteenth Street? A. I think they have suffered for the want of one; I think dealers south of Fourteenth Street have not had a fair show; I think they have been shut out from the benefits that they had as much right to as anybody else, and it is only by hard fighting and tact that they have been able to hold their trade there.

Q. What would be the effect, in your opinion, upon the trade and business interests of Broadway, south of Fourteenth Street, of the construction of a street surface railroad to be operated by horse  
42 power? A. I think it would be a benefit.

EDWARD P. DICKIE, being duly called and sworn on behalf of the petitioner, testified as follows:

*Examined by Mr. Scribner:*

Q. Where do you reside? A. 26 East Fifty-eighth Street.

Q. In the City of New York? A. Yes, sir.

Q. How long have you resided in the City of New York? A. 54 years.

Q. All your life? A. Yes, sir.

Q. You are familiar, then, with property in the City of New York? A. I am.

Q. Are you an owner of real estate in the city? A. I am.

Q. Do you own real estate on Broadway? A. I 43  
have an interest in real estate on Broadway.

Q. That interest is in real estate situated where?  
A. Lispenard Street and Broadway.

Q. That is part of the proposed route of the  
Broadway Surface Railroad? A. Yes, sir.

Q. During the 54 years that you have lived in the  
City of New York, you have seen the rise and  
progress of street railroads in the city, have you not?  
A. Yes, sir.

Q. Do you remember which of the street railroads  
was first constructed? A. I do.

Q. Which? A. Sixth Avenue.

Q. Now, is it your opinion that street surface  
railroads have been of advantage or detriment to the  
general public of the city? A. They have been an 44  
advantage to the public.

Q. Are you in business? A. I am not.

Q. What, in your opinion, would be the effect of  
the construction of a street railroad to be operated  
by horse-power on the surface of Broadway, between  
the Battery and Union Square? A. Well, it would  
be a great benefit to the public, and add to the value  
of real estate along the line, and also add to the  
value of real estate adjacent thereto in side streets.

Q. In your opinion, the construction and operation  
of a railroad in Broadway, between the points that I  
have mentioned, would be not only an advantage to  
the general public in affording a means of transit  
between these points, but would result in a benefit  
to real estate along the route? A. It would. 45

Q. Are you a taxpayer in the city? A. I am.

Q. Have you any connection with the petitioner,  
the Broadway Surface Railroad? A. I have not.

Q. Are you interested in the railroad? A. I am  
not.

Q. In any street railroad? A. No, sir; and don't  
hold any stock.

*Cross-examined by Mr. Beaman :*

Q. How much property do you own in Broad-  
way? A. I have a one-seventh interest in the prop-  
erty on the corner of Broadway and Lispenard  
Street.

Q. How much is that? A. Probably worth \$250  
or \$300,000; I have in the neighborhood of \$300,000  
near Broadway, in the Fifteenth Ward, being with-  
in a 100 and 160 feet of Broadway.

46 Q. How much have you in Broadway; what is the size of the lot? A. 24 feet 6 inches by 102, I think.

Q. That is on Broadway? A. Yes, sir.

Q. What is the number in Broadway? A. No. 413.

Q. You have a one-seventh interest in it? A. Yes, sir.

Q. By what nature? A. By an agreement under the will of my father.

Q. Have you anything to do with the management of it? A. No, sir.

Q. Do the heirs under your father's will, or persons authorized to take under your father's will, occupy the property? A. No, sir.

47 Q. What is done with the property? A. It is rented by the Hudson River Railroad Company as an office.

Q. Not leased? A. It has been leased recently, I think, for five years.

Q. What rent? A. \$10,000 for the ground floor.

Q. What was done with the rest of it? A. I suppose the building will bring about \$23,000 a year.

Q. Is it rented? A. No; it is not rented above the ground floor.

Q. How long ago was this new lease made? A. About thirty years ago.

Q. It had been used for what before then? A. By the Hudson River Railroad Company—that is, the ground floor.

48 Q. How long have they occupied it? A. They have been there for about eight or nine years.

Q. How much rent were they paying? A. They have paid from \$6,000 to \$10,000.

*Mr. Harris:* It is the new building, just finished?

*Witness:* Yes, sir.

Q. It has been occupied by the Railroad Company before? A. Yes, sir.

Q. Before it was torn down? A. Yes, sir.

Q. They occupied the ground floor? A. Yes, sir; and have been paying all the way from \$6,000 to \$10,000; previous to this, I think they paid about \$8,000; I am not positive.

Q. And the rest of the building is to rent? A. Yes, sir.

Q. What was the total rental of the building during the last year, before it was pulled down? A. I think about \$13,000.

Q. The whole building? A. Yes, sir. 49

Q. How many stories was it? A. Five.

Q. How many is it now? A. Six.

Q. What do you think would be the total rental now? A. I think about \$22,000.

Q. How long since your father died? A. 1877.

Q. You have had more or less to do with the management of this building since then? A. No, sir; it has been in the hands of a trustee; we came together and compromised it, and appointed a trustee to manage the property for us.

Q. You have nothing to do with the management? A. No, sir.

Q. Did the income of that property increase from year to year from the time the trustee was appointed to the time you pulled the building down? A. I think not. 50

Q. Has it kept about stationary? A. Yes, sir; I think when my father died the rent was reduced from \$4,000 to \$5,500, and that was in 1874 or 1875; we reduced the rent, and then I think we leased it for three or four years and got the rent increased again; but the rent has varied from \$5,500 to \$10,000.

Q. That is for the lower floor? A. Yes, sir.

Q. What was the upper part occupied for before you tore it down? A. I think it was occupied for dry goods and trimmings.

Q. What is it fitted to be occupied for now? A. Dry goods.

Q. Are there elevators in it? A. Yes, sir; in the rear. 51

Q. There are no tenants in it? A. None, except this ground floor.

Q. What general changes have you made in the building? A. Do you mean in regard to its construction?

Q. Yes, sir. A. It has been made very much stronger.

Q. The same kind of a ground floor? A. Yes, sir.

Q. Does it cover the whole lot? A. Yes, sir.

Q. Did the old building? A. Yes, sir.

Q. What reason had you for thinking the building can be rented for \$23,000 now? A. Because it is a very expensive building; we have laid out \$80,000 on the corner.

- 52 Q. In making the new building? A. Yes, sir.  
 Q. But the corner is not improved for business purposes? A. It is about the same as it was.  
 Q. What has increased the rental value of this property? A. Do you mean the new building?  
 Q. Yes, sir? A. The building on it was a very old and dilapidated building.  
 Q. Has there ever been a time when the rental value of that property has been greater than it is now? A. No, sir.  
 Q. Has there ever been a time when the rental of the corner has ever been worth more than it is now, assuming that your old building was on it? A. No, sir; I think the most we got for it was about \$14,000 in the highest times.
- 53 Q. In what year was that? A. 1868.  
 Q. Has the value of that property, so far as you know, been improved since your father's death, irrespective of the new building? A. That property would have brought during the war \$180,000; I don't think that the lot to-day would bring probably over \$130,000 or \$140,000.  
 Q. With nothing on it? A. Yes, sir.  
 Q. During the war, that was gold times? A. Yes, sir; inflated time.  
 Q. Has the general value of property in that vicinity improved within the last ten years? A. I don't think so.
- 54 Q. Is there an entrance to that property from Lispenard Street? A. Yes, sir.  
 Q. Where did you say the elevator was? A. In the rear.  
 Q. Does it go to all the floors? A. Yes, sir.  
 Q. How long does this trust continue? A. It continues as long as any of us live.  
 Q. Any of the seven parties? A. Oh, no; it will cease, come to think of it, at my death.  
 Q. But it continues for your lifetime? A. Yes, sir.  
 Q. You speak of having been interested in some other property; where is that? A. I own Nos. 1, 3, 5, 7 and 9 West Third Street, about 90 feet from Broadway, corner of West Third and Mercer Streets.  
 Q. What is the use to which that property is put? A. Furs, ribbons and feathers.  
 Q. Wholesale or retail? A. Wholesale.

Q. How long have they been used for this purpose? A. About one year. 55

Q. How long have you owned them? A. About four.

Q. What were they used for before? A. Tenement-houses and small stores.

Q. Did you buy this property? A. Yes, sir.

Q. Has the value of it increased since you bought it? A. Yes.

Q. How much per cent.? A. I think 50 per cent.

Q. Do you own any other properties in the neighborhood of Broadway? A. I own 12 West Fourth Street, about 160 or 170 feet from Broadway.

Q. How long have you owned it? A. About three or four years.

Q. Has the value of that increased? A. I don't think it has. 56

Q. What is it used for to-day? A. A manufactory of feathers.

Q. How long has such party been in it? A. Two years.

Q. What was there before? A. A manufactory of picture frames.

Q. It has not been occupied as a tenement-house since you had it? A. Oh, yes, sir; there were two families living up stairs.

Q. Has not the general situation of property in that vicinity changed from tenements to business houses? A. Not generally; it is very hard work to get business in there.

Q. You have business in there in your place, it seems? A. Yes, sir; but I made a sacrifice to do it; I spent \$40,000; I have done all sorts of repairs. 57

Q. Didn't you think it was a wise thing to do? A. No; I am very sorry I laid the money out, because I think the money is thrown away.

Q. Would your rental value of that property improve by a horse railroad on Broadway? A. Yes, sir.

Q. You think so? A. Yes, sir; sincerely.

Q. Why? A. Because it would encourage people to travel.

Q. Through what street? A. Broadway; the more people that pass through Broadway the better for my property it will be; I bought that property thinking it would be improved by being near Broadway; it was my intention to buy a lot on Broadway

58 and make connection with my property, but I should not buy it unless there was a Broadway railroad laid there.

Q. You think a horse railroad on Broadway would turn your property to better advantage? A. Yes, sir.

Q. Help your property on these streets? A. Yes, sir.

Q. Is that the reason you come here to testify? A. Yes, sir.

Q. Did you come voluntarily? A. Yes, sir.

Q. Did you go to counsel and say you would testify in the manner you have? A. No, sir.

Q. How did it happen that you came here? A. I met Mr. Robinson in the hall, and he asked me if I would testify in favor of a Broadway railroad.

59 Q. When did he meet you? A. Three weeks ago; and I told him I would, and was decidedly in favor of it.

Q. And with that information you came here to testify? A. Yes, sir.

Q. Why do you think a railroad on Broadway will help your property on Third Street? A. On account of the travel; the more travel there is on Broadway the better it will be for my property.

Q. Have you signed any consent for any horse road on Broadway? A. I have not.

Q. Do you think your property will be helped more by a horse road than by a cable road? A. I wouldn't consent to a cable road; I wouldn't sign 60 any petition.

Q. And you wouldn't testify on its behalf? A. No, sir; because I think it is a very dangerous piece of business.

Q. Did you ever see one working? A. No; but if all the stories which come from Chicago are true, it appears that they kill a person there every day.

Q. You don't know anything about a cable road? A. No, sir.

Q. If a cable road would carry as many as the other it would satisfy you? A. No, sir; I think a road on Broadway is bad enough.

Q. What do you mean by bad enough? A. I mean if we could lay a track that we could run across easily that it would be more advantageous.

Q. You think that would be the best thing? A. A. Yes, sir.

Q. Well, what is bad about the track? A. noth-



ing, if you have this flush rail as is laid down in Forty-second Street; I think that track is very desirable. 61

Q. What is bad about any track in any street? A. I don't think there is anything very serious.

Q. You said just now that there was; what did you mean? A. Well, I take that back.

Q. But you can't take it back; you said that there was something bad about horse-car tracks in any street? A. Yes, sir; but it was a slip of the tongue.

Q. Didn't you mean it? A. No, sir.

Q. Why do you take it back? A. Because I don't think it is as serious a thing as I said.

Q. Didn't you say it was serious? A. Yes, sir.

Q. But you didn't mean it? A. No, sir; I mean if a track is laid in a street so that the rail will be flush these carts can run over it, and if there is no obstruction it is not very serious. 62

Q. If it offers no obstruction, it is not very serious you think? A. No, sir.

Q. But if it does it is? A. Yes, sir.

Q. Why? A. That would be according to the kind of track.

Q. The worse that that track is the more objectionable it is? A. Yes, sir; there are several kinds of rails; there are the steam rails and the horse-car rails.

Q. Which is better for a road on Broadway? A. The kind that they have on Forty-second Street.

Q. Have you seen any horse-car tracks except those on Forty-second Street? A. Yes, sir; I examined all, and I was satisfied with any of them, as I am in favor of a railroad with any kind of track. 63

Q. Then, even a cable road? A. Oh, no, sir.

Q. Why is a cable road worse than any other; why do you object to it? A. Because there is so much machinery.

Q. Machinery which is underground? A. Well, in the first place you have got to have a groove in the street.

Q. Is that an obstruction to anything? A. Yes, sir.

Q. How does a groove obstruct anything? A. A horse might step into it, and have their shoes taken off, or even his hoof.

Q. How deep is this groove? A. I suppose one inch or one and one-half inch.

64 Q. And you think a horse could get his feet into it? A. Yes, sir; I have seen horses in Chambers Street, when the old Hudson River tracks were there, tear their shoes off; and at one time there was a horse that tore his hoof off—he tore his hoof completely off.

Q. By getting caught in the track? A. Yes, sir; but it was not a horse-railroad track; it was a steam-car track; at the time the Hudson River Railroad cars were there.

Q. Anything that a horse can get his foot into is a bad thing for a railroad? A. Yes, sir.

Q. And you think this little slot running up and down would be a bad thing? A. Yes, sir.

65 Q. Is there anything else about the track of a cable road you know of which would be any worse than a horse-car track? A. I think that is all.

Q. So far as Broadway is concerned or making it dangerous, the cable road is no worse than a horse railroad, so far as you know, except this little groove? A. Yes, sir; and I will tell you why; I should judge it is not so easily controlled.

Q. You mean you cannot handle a steam-engine as well as you can a pair of horses? A. Yes, sir; a man can control the horses a great deal more readily.

Q. Did Mr. Robinson ask you if you was in favor of a cable road? A. No, sir.

Q. Did you say anything to him about a cable road? A. No, sir.

66 Q. Did he ask you if you was in favor of a horse railway? A. He asked me if I was in favor of a railroad in Broadway.

Q. Coming back to the cable road: You don't know how a cable road is operated? A. No, sir; I cannot say.

Q. Is there any other kind of a track in the city you think would be suitable to put down in Broadway except this Forty-second Street track? A. Such a track as we have in Sixth Avenue.

Q. How about Third Avenue? A. I think the Third and the Sixth Avenue are all alike.

Q. Would there be any objection to either of those tracks? A. No, sir.

Q. Suppose you were driving up and down Broadway in your carriage, would you rather have a horse railroad in the thoroughfare, or would it make no

difference to you? A. I never have had any accident on account of horse-car tracks. 67

Q. Had you rather drive where there were tracks or not? A. I'd rather drive away from the railroad track of course, because it is harder to drive in a street where there is a track than where there is not.

Q. Why? A. Well, your carriage tires and wheels get into it; but it is not necessary to drive inside the track; you can drive your carriage up and down the street and not go into it at all; I always instruct my man to keep his carriage out of the tracks.

Q. Why? A. Because it would tear the tires off.

Q. Have you had any tires torn off? A. I never have. 68

Q. Did you ever see any? A. No, sir.

Q. Did you ever have any accident upon them? A. No, sir.

Q. Does your man obey your orders? A. I don't think he does, because I have seen him repeatedly drive in these tracks.

Q. You don't mean by anything you have said that, for driving purposes, it is an advantage to have a horse-car track in the street? A. Not the slightest for private carriages.

Q. It is a disadvantage, then, isn't it? A. I think it is.

Q. What do you mean by private carriages; it is not necessary to come below Fourteenth Street, is it, to do shopping? A. We seldom come below Fourteenth Street for that. 69

Q. Well, supposing a man wants to go to Brooklyn? A. He must come down where the tracks are, or he can go by way of Twenty-third Street.

Q. Suppose a funeral procession wished to come down Broadway, what then? A. Then they would have to come down where the tracks were, if the tracks should be laid there.

Q. Well, would not that be a disadvantage? A. Yes, sir; but they need not be obliged to drive in those tracks.

Q. Is it an advantage for all purposes, for private vehicles, either for business or pleasure, to have a railroad track in a street which is being used? A. No, sir.

Q. There is no doubt about that, you think? A.

70 It is not to the advantage of people who drive horses.

Q. Is it not an advantage, in a city like New York, to have one thoroughfare where the people can drive in carriages and wagons and carts, and transact business, and have all possible facilities for so doing? A. I think it is just as necessary to have a horse railroad in Broadway, along the proposed route, as it is up Broadway or up any other street.

Q. You think so? A. Yes, sir.

Q. But isn't it an advantage to people who desire to drive in this way? A. Well, you have South Fifth Avenue, and we can come down South Fifth Avenue.

71 Q. Who do you mean by we? A. My own family; when we ride down town we take South Fifth Avenue.

Q. Why? A. Because it is a wider street, and it is not so crowded; you are liable to get your hub knocked off by those stage drivers on Broadway if you are not careful.

Q. You think they are careless? A. Yes, sir.

Q. And you try to avoid them? A. Yes, sir; I have more trouble with stage drivers than anything else; a stage driver never gets out of your way.

Q. Have you ever been hurt by a stage driver? A. Yes, sir.

Q. It would suit you if you could drive the omnibuses off Broadway? A. Yes, sir.

Q. And get a horse railroad on? A. Yes, sir.

72 Q. You don't care much about people who ride up Broadway in their own vehicles, do you? A. I have more regard for people who have five cents to spend to ride than I do for people who have their own horses.

Q. Well, you ride down in your own carriage, don't you? A. Very seldom; I have nothing to call me down town.

Q. You are one of the people who live up town? A. Yes, sir.

Q. How often do you go down town? A. Once a day, but I always take the elevated road.

Q. You do? A. Yes, sir.

Q. From where? A. Fifty-eighth Street.

Q. You live up where the rich people live? A. Well, I live there.

Q. Have you a horse and carriage of your own? A. Yes, sir.

Q. Have you any business of any kind? A. No, 73  
sir.

Q. What do you come down town for? A. Letters.

Q. Where are they addressed? A. 65 Warren Street, my old place of business.

Q. How long since you have had any business of your own? A. Since 1864.

Q. What is your business? A. Window glass.

Q. You have never had any business since then? A. No, sir.

Q. Lived on your rents? A. Yes, sir.

Q. You have nothing to do with coming down town in your own carriage, or in horse-cars, or in omnibuses? A. No, sir.

Q. How long since you rode down town in omnibuses? A. I very seldom go in the omnibuses. 74

Q. How long since you have ridden down Broadway? A. Two or three years.

Q. Did you know Harrigan & Hart's theatre, which was recently burned down? A. Yes, sir.

Q. Have you seen it since it was burned down? A. I went up there to see it burning.

Q. But regularly you have not any special business to come down for? A. No, sir; nothing at all, except to come down and get my letters.

Q. How did you happen to be in the Court House when you saw Mr. Robinson? A. Because I was down town to see Mr. Connor, on Chambers Street.

Q. What did you want with him? A. I want a horse railway in Chambers Street, most decidedly. 75

Q. Why? Because I own property there.

Q. Whereabouts? A. 153 Chambers Street.

Q. You are one of these fellows trying to get railroads through? A. I think it will be a decided help to any street.

Q. Do you want one up in Fifty-eighth Street? A. No, sir; because it is not a business street.

Q. Would not it convert that street into a business street? A. No, it would not, because it is too far up; in ten years from now I will be in favor of a railroad there.

Q. Anything that will help business in a street you are in favor of? A. Yes, sir.

Q. Are there any other railroads you are interested in? A. Fourth Street, because I own property there.

Q. Any other place? A. No, sir.

76 Q. Do you own any shares in these roads? A. No, sir.

Q. You thought you would come down and see Mr. Connor? A. Yes, sir; and I offered to testify on behalf of a railroad there.

Q. How did you happen to see Mr. Robinson? A. Well, we had a lawsuit once, and that is the way.

Q. Did you go to Mr. Robinson and speak to him about this matter? A. No, sir; he came to me.

Q. Where did he meet you? A. I met him in the hall.

Q. There was no appointment between you and him? A. No, sir.

77 Q. Now, then, you are in favor of this railroad, as I understand you, because it will help your property? A. Because it would help my property, and because it would be a benefit to the public.

Q. You think it would be a benefit to the public? A. Yes, sir.

Q. You don't care whether it hurts a man who drives a loaded cart up and down Broadway, do you? A. I don't want to injure anybody.

Q. But you don't care much about it? A. It does not hurt any truck, because the tires are wide, and they are not so apt to be entangled as a carriage, as a carriage tire is narrower.

Q. It is not so bad for a truck as it is for a carriage? A. No, sir.

78 Q. But it is bad for a truck in that it is worse than having no horse railway there at all? A. I cannot say that it is; my goods were very heavy when I was in the business, and I never heard of one of my men complaining of the track; these carts would hold 3,000 pounds and over, and I never heard a complaint.

Q. Don't you know, as matter of fact, it is easier to drive a loaded truck on a street where is no track? A. I suppose it is; but if the track is laid as it ought to be in a street it will not interfere with the truckage.

Q. Not so much, you mean? A. Yes, sir; not so much.

Q. Is it not to the disadvantage of a crowded street to have any vehicles going up and down that street which are confined to absolute fixed lines which they cannot leave? A. Of course.

Q. Why of course? A. Because the cart cannot 79  
get out of the way.

Q. So that is a disadvantage? A. Yes, sir.

Q. To whom? A. The party driving the truck or  
cart, or carriage.

Q. It would be to anybody who is driving a vehi-  
cle? A. Yes, sir.

Q. Do you consider that of much importance  
A. Yes, I consider it of importance; but we cannot  
help that, we must look to the mass.

Q. You mean the fellows that own property?  
A. No, sir; not necessarily so; we must protect  
property holders and men who work for their living.

Q. Men who drive up and down the street in carts  
for a living? A. Yes, sir.

Q. The man who has to drive a cab for a living? 80  
A. Yes, sir; but that is the trouble nowadays, the  
business is altogether too much one-sided—a mon-  
opoly.

Q. And you don't believe in monopolies? A. No,  
sir.

Q. Don't you believe in giving monopolies? A.  
No, sir.

Q. Don't you consider it a monopoly to have the  
right to run horse-cars up and down Broadway,  
and for no one else to have that right but you? A.  
No, sir.

Q. Well, what is your idea of a monopoly? A.  
Well, if a man is manufacturing who has the sole  
right to use the goods, that is what I call a monop-  
oly; if a railroad—well, I must explain that—if in  
running a road the road is run for the benefit of the  
community and we all have a share in it, the fact of 81  
one person running that road and receiving the  
profits is no more a monopoly in my eyes than a  
man who keeps a store.

Q. You don't consider it a monopoly for a man to  
have the sole right to run a railroad or manufacture  
goods? A. Well, it is and it is not.

Q. You do not consider it a monopoly for a rail-  
road company to have the sole right to run a line of  
horse cars up and down Broadway, do you? A. If  
the track is vacant I think it has been decided—

Q. Well, no matter about any decisions; your  
idea is that a railroad up and down Broadway would  
be a good thing because the track would belong to  
anybody? A. When we come to monopoly, I don't

82 know, after all, but I am getting into a little deep water.

Q. But you are down on them? A. Well, I don't like them.

Q. If this road was going to have the exclusive right, you would not be in favor of it? A. Yes, if it would benefit the public,

Q. If it only benefited part of the public you would not be in favor of it? A. I would, if it benefited the mass.

Q. Name the mass? A. The working class.

Q. Where do the working classes go that are riding up and down Broadway? A. Up-town—Waverly Place, Tenth Street and Eleventh Street—where they are housed very thickly and where there is a good deal of tenement property.

83 Q. Where do they work? A. Down town.

Q. How do they get down town? A. By the University Place cars.

Q. How else? A. By way of Varick Street.

Q. How else? A. Third Avenue.

Q. Well, isn't there car tracks for them to come down except coming on Broadway? A. Yes, sir; but they have to run through Church Street, and if anybody attempts to come through there it will take them three times the time that they could walk it in.

Q. What do you mean, that it takes three times the time? A. I have been 25 minutes in going a very short distance.

84 Q. What seems to be the matter? A. Well, the streets are so narrow that they get blocked up.

Q. There is no traveling down that street, is there? A. Yes, sir.

Q. What other kind of traffic? A. Trucks.

Q. Well, it is only for local travel—there is no through travel, is there? A. No; I should think not; I should consider it as too narrow.

Q. What kind of trucks are there there? A. To carry goods.

Q. Then all it is for is trucks that are delivering goods or taking goods from the different streets? A. No, sir; I have followed a truck and seen it go from Canal Street down to Barclay.

Q. In those narrow streets? A. Yes, sir.

Q. Why did they do it? A. I didn't ask them.

Q. Why did you think they did it? A. I suppose for the reason that they did not want to put



themselves out of the way by going on to Broadway. 85

Q. Because Broadway is too crowded? A. Well, I didn't look to see.

Q. Don't you know Broadway is more crowded than those side streets? A. Only at times.

Q. What times? A. No specific times; it is only when a lot of those stages get together that you find a jamb in Broadway, and it is always on account of the stages.

Q. Are not the stages easier to get out of the way than horse-cars? A. I don't think they are.

Q. Can't they turn down in side streets and thus get out of the way? A. Yes, sir.

Q. Isn't it a great deal easier to get rid of a block of stages than it is of a block of horse-cars? A. I suppose it is.

Q. Are not horse-cars much more liable to block up streets than stages? A. There would be but one horse-car to twenty stages; one horse-car would do the business of ten, fifteen or twenty stages. 86

Q. How much would the stages carry? A. I can't tell exactly.

Q. About how many? A. I have seen them, I suppose, with sixteen or eighteen.

Q. A horse-car would carry twenty times as many? A. No; eighty people can be carried in a horse-car, because I have known of a conductor taking eighty fares in a horse-car.

Q. Well, that is only five or six times as many as a stage? A. Yes, sir.

Q. That is your idea; you want a horse-car to go up and down Broadway carrying eighty people? 87

A. Oh, no; one horse-car will do the business of ten stages.

Q. If it is going to do the business of ten stages, you will only have one car where you now have ten stages? A. What I have referred to is, that I don't suppose those people will ride the whole distance; I remember two years ago when I was sick, I got in and rode only two blocks; and I notice now people often get in and ride two and three blocks; I have seen them ride three and four blocks.

Q. These stages are used for short riders? A. Yes, sir.

Q. Horse-cars would run the same way? A. Yes, sir.

Q. It is convenient when you want to go two or three blocks to see a stage and jump in? A. I think it is inconvenience.

- 88 Q. Well, have you done it? A. Yes, sir.  
 Q. And have you done it once when you was sick?  
 A. Yes, sir; but I would have given double the price to have gotten into a horse-car; I have seen a great many people leave stages on Broadway on account of their inconvenience; I have seen ladies attempt to get in a stage, but would abandon it because it was inconvenient.  
 Q. You never heard of anybody getting hurt by the horse-cars, did you? A. Oh, yes, I have; I have seen people injured by the horse-cars, but I have seen ten by the stages to one by the horse-cars.  
 Q. You have never been a spotter for a stage line?  
 A. No, sir; I don't think I would do for that.
- 89 Q. Why? A. I don't enjoy riding in stages.  
 Q. Your idea is, in the first place, that a horse-car is much worse on a street so far as blockades are concerned, than stages; that you agree to; but you say there would not be so many cars; have you any idea how many omnibuses are on Broadway to-day, between the Battery and Fourteenth Street? A. I have heard that there were 240 in use.  
 Q. At one time? A. Yes, sir.  
 Q. Your idea is that there wouldn't be but one-twentieth of the number of cars? A. I suppose I should change that; there would probably be about thirty cars.  
 Q. Fifteen going each way? A. Yes, sir.
- 90 Q. That is your idea? A. I should'n't think they would need any more; they will carry a great many passengers; the cars from Fourteenth Street to the Battery would probably make seven trips, and that, I think, would be equal to about forty stages.  
 Q. If they were all loaded, you mean? Y. Yes, sir.  
 Q. It is your idea that anybody would get into a horse-car to ride two or three blocks if he saw eighty passengers therein? A. No, sir; when I said eighty passengers I referred to rainy days and stormy nights; you asked me how many I ever see riding, and I told you a conductor had once collected eighty fares.  
 Q. The substance, then, of your testimony is that horse-cars would be worse than omnibuses, if there were the same number, as concerns the blocking of streets? A. I don't think they would block a street because a horse-car would do the work of six or

eight or ten stages; you have the empty vehicles 91  
out of the way.

Q. If the number of the horse-cars were the same as the stages, then the horse-cars will block more?

A. With the same number of cars as stages you couldn't stand on Broadway, because a horse-car is three or four times the size of a stage.

Q. In that case only we couldn't get onto Broadway at all? (No answer.)

Q. Your idea is there would be only one tenth of the number of horse-cars required that are now required in omnibuses? A. I don't think there would be a great many over that.

Q. Suppose you should find as matter of fact there would be as many cars as omnibuses, do you then think it would be practicable to have horse-cars on Broadway? A. I do not. 92

Q. Suppose you found that half as many horse-cars as omnibuses were required, do you think then it would be practicable? A. I do not.

Q. Suppose you found it would take quarter as many, would it then be practicable? A. I think it would.

Q. If it only took about a quarter as many horse-cars as stages you think it would be desirable? A. Yes, sir.

Q. Why do you think it would not be desirable to have horse-cars on Broadway, if it took half as many omnibuses? A. That would be 120 cars, and that would be a great many cars on Broadway; the stages run up to about Forty-second Street, and 120 93 cars would be a great many.

Q. What harm would that be? A. They would crowd too close to one another.

Q. Well, what harm would there be? A. They would be in the way.

Q. Of what? A. People crossing the streets.

Q. But you would have them there if the people rode? A. Yes, sir; but when that time comes probably you will have some other street cut through to accommodate the public.

Q. Then you are not in favor of horse-cars if half as many are required as omnibuses, because they would block up Broadway in your judgment? A. It would not block it up, but it would make it crowded.

Q. And a great deal worse than now? A. Oh, no; I don't think it would.

94 Q. Do you think it is bad now? A. No, sir; not so very bad; only at times; I have seen times when I could go three or four blocks and find a perfect jamb.

Q. What effect would it have on travel on Broadway to have half as many horse-cars as omnibuses?

A. It would fill Broadway up pretty well, and the cars would be one behind the other.

Q. Then you could not get along with much else?

A. No, sir.

Q. And that would be bad? A. Well, it would be rather close.

Q. How near do you think they could run without doing much harm? A. Three or four blocks apart.

95 Q. And how far apart would they be if there was half as many horse-cars on Broadway as omnibuses? A. Probably a block and a half apart.

Q. And you would not want them any nearer than three or four blocks apart? A. I don't think so.

Q. What harm would there be if it was the other way? A. It would result in a jamb.

Q. What harm would that be? A. There would, of course, be passageway each side of the cars for carts and vehicles.

Q. Do you know how wide Broadway is? A. Sixty-six feet.

Q. How wide is a horse-car track? A. I can't tell.

96 Q. What would be the distance between the curb on Broadway and the nearest track? A. I am not able to tell.

Q. Haven't you thought of that? A. I should judge there would be room enough for a cart to pass between the gutter and a car.

Q. Only one? A. Yes, sir; and that is all there is in any other street where there is a horse-car, except South Fifth Avenue.

Q. Then this street, Broadway, would not be any better than any other streets? A. No, sir.

Q. Broadway, with horse-cars on, would not be better than any other street? A. No, sir.

Q. But would be just the same? A. Yes, sir.

Q. Just about the same as Church Street and Greene Street? A. No, sir; not Church Street; Church Street is a very narrow street.

Q. How much room is there, there between the curb and the track? A. Room for one cart.

Q. Would there be any more room for one cart 97  
between the curb on Broadway and the nearest  
track? A. Not each side.

Q. And that is the same as Church Street? A.  
Oh, no, sir; that is only on one side; on one side of  
the track on Church Street it is only three feet to the  
gutter.

Q. Then there is room on one side in Church  
Street? A. Yes, sir.

Q. And not on the other? A. No, sir.

Q. And you would have room for one cart to pass  
between the curb and the track? A. Yes, sir.

Q. Would there be any room for two carts to pass  
each other between the curb and the track? A. No,  
sir.

Q. Well, now, don't you think that that state of 98  
affairs would make Broadway chock a block? A. I  
don't think so.

Q. Don't you know that that would practically  
block up Broadway? A. It would if both tracks  
got jambed.

Q. Then it would block it up? A. Yes, sir.

Q. With a block of horse-cars on Broadway a  
considerable length of Broadway would then be  
blocked? A. Yes, sir.

Q. That is your objection to having so many  
cars? A. Yes, sir.

Q. Is it not true that a good many goods sold on  
Broadway are delivered from the front of the stores?  
A. They most all deliver from the front.

Q. All up and down Broadway? A. Yes, sir; 99  
mostly.

Q. How are they delivered in wagons? A. Stand-  
ing sidewise.

Q. Is it not frequently the fact that they stand  
endwise? A. They do sometimes stand tail end to  
the gutter.

Q. With the horse turned round facing the other  
side of the street? A. Yes, sir; but of course that  
depends upon how heavy the goods are.

Q. But it is the general way of delivering and  
receiving goods in all these wholesale stores to  
deliver them from the wagons with the tail of the  
wagon up to the gutter? A. Yes, sir.

Q. How long is an ordinary cart? A. I suppose  
eight feet.

Q. Well, wouldn't that truck extend beyond the

100 car tracks close to the gutter if there was a double track up and down Broadway? A. Yes, sir.

Q. Wouldn't a cart so loaded and a truck so loaded block the cars? A. Not necessarily so.

Q. Why? A. My store was on the corner of Warren Street and College Place, and there is no part of the City of New York where more cars pass than there; and I used to deliver goods and receive goods from the wagons backed up to the sidewalk, and often unload before a car could reach me; if they came along I used to ask them to stop, but we could unload in about a minute and a half.

Q. What kind of goods did you have? A. Window glass, and very difficult goods to handle they were; but you could not travel in Chambers Street and deliver or take goods without blocking the cars.

Q. If there was a double track on Broadway, merchants on Broadway could not deliver their goods if it took more than a minute and a half. could they, without stopping the cars? A. Not necessarily so; the cars might be two or three minutes apart.

Q. Suppose the cars were coming along as you think they ought to, one every four blocks; how long would it take them to go four blocks? A. I couldn't tell; I know that in the time it would take a horse-car to go four blocks I could get a load of glass off, and we would have sometimes thirty and forty boxes.

102 Q. Practically, then, you think that trucking business could be done on Broadway in such a way that it would not block cars? A. I think it could.

Q. How would you do it? A. I would have a man stand ready with a load and as quick as a car went by he would back up and unload as quick as he could, so as to get done before the next car came around.

Q. That is your idea? A. Yes, sir.

Q. Coming down from Church Street, you told me you were twenty-five minutes on one occasion going a short distance? A. Yes, sir; but Church Street is very narrow, and it is almost impossible sometimes to get through, and this track is only ten feet from the gutter.

Q. But a truck on Broadway would block up Broadway just as much as a truck would block up Church Street, would it not? A. No, sir.

Q. Not as long as it stood there? A. Yes, sir; if it stood across the track. 103

Q. Didn't you just say that trucks were so long that they would reach to the track? A. Yes, sir; but we can take the goods off a truck endwise.

Q. So far as taking stuff off of trucks is concerned standing in endwise, would it not be as bad on Broadway as Church Street? A. Just as bad.

Q. It does not make any difference? A. No, sir.

Q. If the truck projects into the track it is just as bad? A. Yes, sir.

Q. Then we should have the same trouble in Broadway as we had in Church Street if the trucks stood endwise? A. Yes, sir; but I could back a cart in College Place slanting, and there would be room enough, you see, for those cars. 104

Q. That is because you were not backed up? A. Yes, sir.

Q. You don't back up to the gutter? A. No; not unless we had a very heavy load.

Q. But if you were going to load, you backed up backed up to the gutter? A. Not necessarily so.

Q. How heavy were your goods? A. They weighed from two to three thousand pounds in the aggregate.

Q. In each package? A. No, sir; about one hundred pounds in each package.

A. Any man could lift them? A. Yes, sir.

Q. You were not shipping big packages that you had to put on skids? A. No, sir.

Q. Don't you know that those trucks on Broadway backed up to the gutter? A. That I can't say. 105

Q. You don't know? A. No, sir.

Q. Don't you think it is so? A. I don't know, because my goods were as heavy as any in New York City; I have had packages weighing eight and nine hundred pounds, and we have put them on with the cars slanting to the gutter.

Q. If goods on Broadway were loaded either into carts or trucks, and you had backed to the gutter, would not the loading of those goods stop the passage of any horse-car? A. It would if you stood straight out.

Q. Then, is it true, that so far as trucks and horse-cars go, they will add to the obstruction in Broadway, as compared with omnibuses? A. Yes, sir.

Q. Then Broadway will be more blocked with

106 horse-cars on it than now? A. Yes, I should think so.

Q. Is it not true that it will not only be blocked, but if it once has been blocked it will be more difficult with cars than stages? A. I don't know but what it would.

Q. And it will probably last longer, and be more of an inconvenience to people who are traveling?

A. I don't think that a block with cars would last as long as stages.

Q. I thought you said it would? A. Well, you see, they would get through.

Q. What would? A. The cars; a car has the right of way; there is always one or two men who will not get out of the way; you will find men  
107 getting out of the way of a car where they would not for a cart; these jams don't extend more than a block, or a block and a half, but stage blockades last three or four hours.

Q. That was because it was a very crowded place? (No answer.)

Q. Have you never seen a blockade of cars on Broadway? A. No, sir.

Q. So you don't know how long a car blockade would last? A. Have you reference to Canal and Chambers Street and College Place; I have seen those blocked.

Q. And the cars got out of the way? A. Yes, sir; they moved the cars first.

Q. And then the wagons and the carts have an  
108 opportunity to get out? Yes, sir.

Q. Haven't you ever seen wagons break down on horse-car tracks? A. Yes, sir.

Q. Well, does not one of those break downs obstruct the travel? A. But they get out of the way.

Q. But, so long as it is there it is a block, and so long as it is, it is a worse block than omnibuses. A. Yes, sir.

Q. Then if we have more blocking up of Broadway than with omnibuses, it isn't any better than omnibuses for traveling purposes? A. No.

Q. If there were not so many horse-cars as stages you would have to wait longer for one to come along? A. Do you mean stages?

Q. I mean cars. You would have to wait longer for one of them, and if you have to wait and you don't get along so fast, what is the use of having



them? A. I've always noticed that those blocks of stages and carts and wagons will make room for a car where they would not make room for one another. 109

Q. You think the drivers of the wagons would be more polite to horse-car drivers? A. I have always noticed it.

Q. What advantage is there in having horse-cars if you don't get along as fast, and you have to wait longer for one to come along? A. I don't understand the question.

Q. You told me that omnibuses were faster than cars? A. They get out of the way quicker.

Q. Then if anybody wanted to go up town, he would take an omnibus; then, what would be gained by having one-third less cars than omnibuses, that is, if there were only one-third as many, and you were going up Broadway on these cars, and would have to wait three times as long? A. Not necessarily so; these stages sometimes go together. 110

Q. Taking it on an average, you would have to wait three times as long, would you not? A. Yes, sir.

Q. Then what would be the advantage of one of these horse-cars? A. There is a more room in a horse-car than stages, and they are more easy to get out and in; you can carry a great many in cars on a trip.

Q. But you cannot carry any more at one time if they are long riders? A. No, sir; but long riders would be only in the morning and evening. 111

Q. From where? A. Well, it is understood that this road is to connect with some other road.

Q. Do you think there would be many long riders on that road? A. No, sir.

Q. Either morning or night? A. No, sir, not unless they connected with some other road.

Q. You would never come down from Fifty-eighth Street on them? A. If I wanted to go as far as Fourteenth Street I would.

Q. But as a matter of fact, you would never use the Broadway road for going up and down to your home? A. No, sir.

Q. Do you know anybody who would. A. I don't.

Q. Where do people live, do you think, to whom the Broadway Surface Railroad would be valuable as a means of traveling? A. If that road runs to

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cents to go to Four-  
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if people would use the  
same class as use Church

From Ecker street to Forty-

many people coming  
that live up as far as  
A. A lot many ladies do;  
the Elevated

A. The Sixth  
and I notice a great  
A. A.

of room on the cars  
A. Sometimes in riding  
I think it is pretty hard  
ten or eleven o'clock.

A. Those cars are  
A.

would be accommodated  
in your judgment. A.  
ride in them.

would use that rail-  
road if he lived above Twenty-  
A. The same as any other road, if he

he would use it then going  
A. Yes, sir, I do.

you have lived down town. A.  
eight years.

any stock in horse railroads? A.

in Broadway property.  
A. That is all.

and horse yourself?  
for thirty years—since

personal comfort? A. Yes, sir.

street below Fourteenth  
comfortably drive up and

excepting Broadway?  
South Fifth Avenue.

A. Canal Street.

what? A. Turn into Broadway. 115  
 what? A. Then go down Broadway as  
 members and take the bridge over.

do you go that way, is it to avoid the  
 A. No; it is a pleasanter street to ride on.  
 are no tracks there? A. Yes, sir; I

think South Fifth Avenue is a pleasant  
 ride on? A. It depends upon your horse;  
 horses will not stand going under the elevated

what do you think about the scenery on  
 Fifth Avenue? A. There is not much scenery

do you go down South Fifth Avenue be-  
 cause there is no track there.  
 Driver: There is no track on Broadway 116

do you prefer South Fifth Avenue to  
 when you are driving down? A. I like  
 the street is wider.

is not so much of a crowd? A. No, sir.  
 you have not the railroad tracks to get

Well, I want to keep away from stages;  
 I try to avoid; I don't mind the tracks;  
 stages have very reckless drivers, and they  
 are the worst in New York City.

do you drive your own horses? A. I have a

long have you had one? A. Since 1860.  
 you are not one of these poor people who 117  
 go up and down Broadway in a horse-car?  
 ride in the horse-cars, or would ride if

your coachman afraid of omnibuses as  
 A. I never saw a coachman that was  
 not afraid of having my carriage smashed.  
 you had a smash? A. Yes, sir; a great  
 one; I have had it run into by a pole and  
 the glass smashed.

want to get rid of omnibuses because they  
 are private carriages? A. No, sir; but I  
 think the railroad on Broadway would benefit  
 New York and also the masses, and  
 benefit real estate; I remember that in  
 1860 we proposed a Broadway railroad; my father  
 owned the Mutual Hall, and we had speakers and  
 a railroad, and we were always opposed to

112 Fourteenth Street, it would not amount to anything at all unless it connected with some other road ; a person would not want to pay five cents to go to Fourteenth Street, and take another car and pay again.

Q. Supposing it connected with the Seventh Avenue Railroad, what class of people would use the Broadway road ? A. The same class as use Church Street.

Q. To where ? A. From Bleeker street to Forty-second Street.

Q. Do you think there are many people coming down town now in horse railroads that live up as far as Forty-second Street ? A. A great many ladies do ; they have an objection climbing up the Elevated stairs.

113 Q. What railroads do they use ? A. The Sixth Avenue, the Madison Avenue, and I notice a great many ride on Third Avenue.

Q. Is there not plenty of room on the cars on these lines ? A. Sometimes ; in riding down University Place I think it is pretty hard work to get a seat up to ten or eleven o'clock.

Q. Well, after those hours ? A. Those cars are pretty well filled generally.

Q. What class of people would be accommodated by a railroad on Broadway, in your judgment. A. Any onewho wanted to ride in them.

114 Q. Do you think anybody would use that railroad to come down town, if he lived above Twenty-third Street ? A. The same as any other road, if he can make connection.

Q. Do you think he would use it then going down town ? A. Yes, sir, I do.

Q. How long since you have lived down town. A. I have not for seven or eight years.

Q. Do you own any stock in horse railroads ? A. I don't.

Q. Have you any interest in Broadway property, except what you have spoken of ? A. That is all.

Q. Do you own a carriage and horse yourself ? A. I do ; I have kept horses for thirty years—since 1860.

Q. For your own personal comfort ? A. Yes, sir.

Q. Is there any other street below Fourteenth Street where you can comfortably drive up and down town, or to Brooklyn, excepting Broadway ? A. Yes ; you can go down South Fifth Avenue.

Q. To where ? A. Canal Street.

Q. Then what? A. Turn into Broadway. 115

Q. Then what? A. Then go down Broadway as far as Chambers and take the bridge over.

Q. Why do you go that way, is it to avoid the tracks? A. No; it is a pleasanter street to ride on.

Q. There are no tracks there? A. Yes, sir; I think not.

Q. You think South Fifth Avenue is a pleasant street to drive on? A. It depends upon your horse; some horses will not stand going under the elevated road.

Q. Well, what do you think about the scenery on South Fifth Avenue? A. There is not much scenery about it.

Q. Don't you go down South Fifth Avenue because there is no track there.

*Mr. Scribner*: There is no track on Broadway either. 116

Q. Why do you prefer South Fifth Avenue to Broadway, when you are driving down? A. I like it because the street is wider.

Q. There is not so much of a crowd? A. No, sir.

Q. And you have not the railroad tracks to get rid of? A. Well, I want to keep away from stages; that is what I try to avoid; I don't mind the tracks; but these stages have very reckless drivers, and they are the roughest in New York City.

Q. Do you drive your own horses? A. I have a coachman.

Q. How long have you had one? A. Since 1860.

Q. Then you are not one of these poor people who want to ride up and down Broadway in a horse-car? A. Yes; I ride in the horse-cars, or would ride if necessary. 117

Q. Is your coachman afraid of omnibuses as you are? A. I never saw a coachman that was afraid; I am afraid of having my carriage smashed.

Q. Have you had a smash? A. Yes, sir; a great many times; I have had it run into by a pole and the window-glass smashed.

Q. You want to get rid of omnibuses because they hurt your private carriages? A. No, sir; but I think a horse railroad on Broadway would benefit the City of New York and also the masses, and would also benefit real estate; I remember that in 1852 we opposed a Broadway railroad; my father hired Constitutional Hall, and we had speakers and fought this railroad, and we were always opposed to

118 it ; but before my father died, in 1877, he admitted that it was a great pity we didn't have a horse railroad on Broadway.

Q. But that was before the Elevated Railroad was built ? A. Yes, sir.

Q. Did your father carry on business at this place in Lispenard Street, in his lifetime ? A. Yes, sir ; for forty-five years.

Q. And he opposed a Broadway railroad then ? A. Yes, sir ; he thought a Broadway railroad would ruin the property ; but he changed his mind before he died.

Q. What time did he die ? A. At eighty-six, I think.

119 *Examined by Mr. Tenny:*

Q. I understood you to say that this railroad, which we are considering, would probably have but thirty cars upon it ? A. About thirty.

Q. That would be fifteen going each way ? A. Yes, sir.

Q. And they would make seven round trips a day ? A. As I understand it.

Q. How many trips would that be for each ? A. Seven.

Q. For all the cars, I mean ? A. One hundred and five round trips.

Q. That is, there would be one hundred and five cars going up and one hundred and five going down ?

120 A. Well, I am not an expert, and this is only guesswork.

Q. Well, it is only a question of arithmetic. A. Yes ; there would be one hundred and five up and down.

Q. You say that the utmost capacity of a car is eighty ? A. I say that I have had a conductor tell me that he collected eighty fares.

Q. How many people would be carried up and down on this road every day ? A. I don't think my testimony ought to be taken in regard to that ; it is all guesswork with me.

Q. But you answered the question and said that one hundred and five trips would go up and one hundred and five trips come down in a day, and the utmost capacity of a car is eighty ; according to that, how many people would be carried in a day ? A. Sixteen thousand.

Q. Eight thousand up and down ? A. Yes, sir.

Q. Do you think that would be adequate to accommodate the wants of the public in reference to travel? A. I think it would take the pressure off the other roads. 121

Q. You think eight thousand would be enough? A. I should think it would.

Q. How many an hour? A. Well, I guess I am getting into deep water; I am not an expert; let me see, there would only be about four cars an hour; that would be preposterous.

Q. Will you not have to modify your views as to the number of cars on that road? A. Yes, sir.

Q. To what extent? A. Those cars ought to run at least every three minutes.

Q. And that would be twenty an hour? A. Yes, sir.

Q. How many cars would that be altogether on the road? A. You have a pencil and you can calculate it as well as I can. 122

Q. Unfortunately the Court does not take my calculations as evidence; you will have to answer yourself. A. They would run twenty an hour in the morning up to say ten o'clock, and then they would run less, and then commence increased running, say about three o'clock.

Q. Then during the busy hours of the day, how many cars would be on that road, running? A. There wouldn't be much over forty cars; but as I told you before, I don't care to make any statement in that regard.

Q. Are you able to tell us? A. I am not. 123

Q. You think you would have to modify your statement as to thirty cars, don't you? A. Yes, sir.

Q. About double the quantity? A. Yes, sir.

Q. Wouldn't be four times as many? A. I should not think over sixty cars.

*Examined by Mr. Scribner :*

Q. Twenty years ago, were not the blockades on Broadway more frequent than now? A. Yes, sir.

Q. And more stages running? A. That I cannot tell you.

Q. Do you remember the days of the Consolidated Stage Company? A. I do.

Q. When there were the Bleecker Street stages, not now running? A. Yes, sir.

Q. And those in Amity Street? A. Yes, sir.

- 124 Q. And the Red Bird Line? A. Yes, sir.  
 Q. Those stages were all drawn off, when the Broadway and Seventh Avenue Railroad was constructed? A. Yes, sir.  
 Q. And since then stages have been less numerous than before? A. Yes, sir, less than before.  
 Q. You have stated for many years that you carried on business in College Place? A. Yes, sir.  
 Q. Whereabouts? A. Corner of Warren Street.  
 Q. To College Place how many different lines were running while you were engaged in business—what different lines passed through College Place? A. The Seventh Avenue, the Eighth Avenue, the Broadway and the Sixth Avenue lines.  
 Q. Four different lines of cars running in front of your place of business in that narrow street known as College Place? A. Yes, sir.  
 Q. And nevertheless you managed to carry on your business there, loading and unloading those heavy packages without material inconvenience? A. Yes, sir.  
 Q. College Place at that point is much narrower than at any point on Broadway that you have any knowledge of, is it not? A. That I cannot tell.  
 Q. Isn't College Place a very narrow street there? A. Yes, sir.  
 Q. Nevertheless, with four lines of cars, you conducted your business loading and unloading these heavy packages without material inconvenience? A. Yes, sir, and we seldom, if ever, had a block.  
 126 Q. My friend Mr. Beaman has referred to the speed at which street-cars travel; is it not a fact that horse-cars in the City of New York carry their passengers with greater rapidity than stages ordinarily do; that is, you would, in going from Battery to Forty-second Street on Broadway, go quicker in a car than ordinarily in a stage? A. I cannot say in regard to that; but I have seen stages which run faster than horse-cars, and horse-cars which run faster than stages.  
 Q. Assuming that there is no block—assuming that a car is not blocked at all—is not the ordinary pace at which street-cars travel faster than stages? A. Yes, sir; if they run on time.  
 Q. You have stated that you were interested in a railroad on Fourth Street; what do you mean by that? A. I meant that I wanted one laid there.  
 Q. When you say you were interested, you meant



you were in endeavoring to have a railroad built there? A. Yes, sir. 127

Q. You think it would be an advantage to your property to have a railroad there? A. Yes, sir.

Q. And likewise on Third Street? A. No, that is too narrow.

Q. You have stated that you owned some \$300,000 worth of real estate in the City of New York, independent of your interest in this property at Lispenard Street and Broadway; are you the owner of still more real estate in New York, situated at different points? A. Yes, sir; on Chambers Street.

Q. Would you be willing to be taxed for a railroad on Broadway, although you have no personal interest in it, and are not a stockholder—would you be willing to have a railroad on Broadway, constructed at the public expense, and be personally taxed for it as well? A. Yes, sir; I certainly would. 128

Q. With a view to the public advantage? A. Yes, sir.

Q. As well as your private interest in what you believe would result in the increased value of your own property—you would be willing to have your property assessed? A. Yes, sir.

Q. When you stated your property in Bond Street or Fourth Street, whichever it was, had increased fifty per cent., do you mean that as being a natural increase, or that it has increased in consequence of building improvements? A. I think it has, owing to the natural growth of the whole city; property has increased in the last four years, and some has doubled. 129

Q. Have you any real estate which has increased fifty per cent. in the last four years, except in consequence of improvement? A. Yes, sir; my property in Bond Street; that has increased fifty to sixty per cent.

Q. Don't you think the construction and operation of a railroad on Broadway by the Broadway Surface Railroad would be an advantage, and add to the value of the adjacent property, independent of its effect upon Broadway property? A. I do.

Q. You were asked in reference to a cable road; do you know the construction of the cable road involves the digging of two trenches? A. No, sir.

Q. Assuming that a cable road would involve the digging of two trenches in the street, four feet deep

130 and four feet wide, would you regard it as a practicable thing? A. No, sir; I should not.

Q. You are familiar with the railroad in Broadway above Fourteenth Street? A. Yes, sir.

Q. Do you know whether that benefits trade, and the people in that neighborhood, or is it a detriment? A. I think it is a great benefit.

Q. You have driven there with your carriage, have you not? A. Yes, sir.

Q. Have you ever suffered any material inconvenience from using that part of Broadway above Fourteenth Street, in consequence of the railroad tracks? A. No, sir.

Q. You are familiar with Sixth Avenue Railroad, are you not? A. Yes, sir.

131 Q. What do you think would be the effect upon property on Sixth Avenue, and on either side of Sixth Avenue, if the Sixth Avenue Railroad was discontinued? A. I think it would be disastrous to property.

Q. As well as a detriment to the public? A. Yes, sir.

*Re-cross examination by Mr. Beaman :*

Q. How much property do you own in this city? A. Between \$300,000 and \$400,000.

132 Q. Is that the assessed value? A. No; that is the market value; you know a man thinks his own property is worth more than anyone else's; I am putting my own value on it.

Q. You have been asked about stages being taken off of Broadway; you have testified in fact that Broadway is not too much crowded because there are less stages; is nothing being substituted instead of stages? A. Not on Broadway.

Q. The traveling that used to go up and down, goes across the side streets in the elevated roads? A. On the lines that he spoke of.

Q. Is the traveling that originally went in these stages accommodated by the lines in the side streets? A. Part of it.

Q. Is it not true that the only travel now there in these stages is the local travel through the busy season of the day? A. I can't answer that question.

*Mr. Scribner :* We concede that.

Q. You were asked about College Place; how

wide was it opposite your store? A. I should judge 133  
about fifty feet.

Q. Were there two tracks in it? A. One.

Q. Was there much travel, except by horse-car?  
A. A great deal.

Q. What kind? A. Everything seemed to centre  
down there—carts and grocery wagons, and every-  
thing.

Q. Whereabouts? A. Corner of Warren Street  
and College Place.

Q. Do you think that is the most crowded place?  
A. At times it is very crowded.

Q. Did not the horse-cars make it so? A. No,  
sir.

Q. Did not the horse-cars have anything to do  
with it? A. No, sir; people who deal in grocery 134  
goods have moved up town, and they seem to con-  
gregate around that section.

Q. Is it very crowded there? A. At times.

Q. The horse-cars are all blocked there? A. I  
have very seldom ever seen a block of horse-cars.

Q. How long since you have been there? A. Al-  
most every day.

Q. Is it not true that that street is often blocked?  
A. Yes, sir.

Q. Is it not true that the character of the business  
on Broadway below Fourteenth Street is mostly  
wholesale? A. There is very little business below  
Fourteenth Street, between Houston and Fourteenth  
Streets.

Q. But below Fourteenth Street to the Battery, is 135  
it not true that Broadway is a wholesale street, and  
is to be more of a wholesale street? A. Not above  
Bleecker.

Q. Retail? A. Neither one or the other.

Q. You have spoken of certain property of yours  
in Bond Street which increased in value by means  
of the general growth of the city? A. Property has  
advanced the whole length of the island, ten per  
cent. in the last five years.

Q. The city is growing, is it? A. No, sir, but  
property was depressed in 1880.

Q. What has made it worth more? A. Because  
it was very much depressed.

Q. What has happened to it since? A. It has  
increased with other property.

Q. What is it being used for to-day? A. A hat  
and cap factory.

136 Q. Is it true that the business is crowding up towards Fourteenth Street all the time—up Broadway to Fourteenth Street? A. It has jumped from Bleecker to Fourteenth Streets—jumped right over my property.

Q. Your idea is that your property is in a place where there is no business, and never will be? A. It is neither wholesale or retail; it is mostly manufacturing.

Q. Is it not true that the advance of the wholesale business has been up Broadway, first from Chambers Street to Canal Street? A. Yes, sir, within the last thirty and forty years.

Q. Is it true that that process is still going on? A. Yes, sir; it will keep pushing up.

137 Q. Wholesale business will continue to push up till it gets to Fourteenth Street? A. Yes, sir.

Q. In time all this property you now own, and all property to Fourteenth Street, will be occupied for the wholesale business. A. Yes, sir.

Q. How long before you expect to find it so occupied? A. In ten years we will have the wholesale trade in Fourteenth Street.

Q. Nothing but wholesale trade on Broadway? A. Yes, sir.

JOHN DANIELL, being duly sworn on behalf of the petitioner, testified as follows :

*Examined by Mr. Scribner :*

138 Q. Where do you live? A. No. 759 Broadway.

Q. What is your business? A. Dry goods and fancy goods.

Q. Where is your place of business? A. I occupy seven buildings.

Q. Name them. A. 757, 759, 763 Broadway, and Nos. 1 and 3 Clinton Place, and Nos. 64 and 66 East Ninth Street, all connected with Broadway.

Q. That is all one store? A. Yes, sir.

Q. And that is at Eighth Street and Broadway? A. Yes, sir.

Q. How long have you carried on business at that place? A. Twenty-four years.

Q. What is your firm name? A. John Daniell & Sons.

Q. How long have you lived in New York? A. Since the year 1836—forty-nine years.

Q. How much of that time have you been engaged 139  
in the mercantile business? A. All that time.

Q. Since 1836? A. Yes, sir.

Q. How long have you carried on business on  
Broadway—on any part of Broadway? A. I have  
on Broadway forty-two years.

Q. During all that time have you been below or  
above Fourteenth Street? A. Below Fourteenth  
Street.

Q. All the time during those forty-two years  
you have been below Fourteenth Street? A. Yes,  
sir.

Q. You are not interested as a stockholder or  
director or otherwise in the Broadway Surface Rail-  
road Company, are you? A. No, sir.

Q. Have you any interest in any other street rail- 140  
road company? A. No, sir.

Q. Not a stockholder at all? A. No, sir.

Q. Will you be kind enough to tell the Commis-  
sioners whether in your opinion as an old resident  
of New York, having been in business forty-three  
years in Broadway, south of Fourteenth Street,  
whether or not Broadway property and the public  
in general suffer from the want of a surface railroad  
on Broadway. A. It suffers from a lack of facility  
in reaching Broadway; Broadway seems to be the  
only street that has been severely left alone; it  
seems to me, gentlemen, that from my own experi-  
ence and observation, that wherever a surface rail-  
road goes through any important thoroughfare, it  
always adds to the value of that thoroughfare, by 141  
giving greater facility for reaching the street; I  
think that a great majority of the public believe  
that omnibuses are a perfect nuisance, and I think  
that New York is about the only city that would  
tolerate such a relic of antiquity; you cannot find  
any city in the United States where an important  
thoroughfare like Broadway is invaded by such a  
lot of noisy, lumbering things, as these omnibuses;  
they don't afford any facility for traveling quickly,  
and they make all the noise and confusion, and they  
are the chief factors in bringing about these block-  
ades; I had the honor, if honor it is, to resurrect  
this question—the question of a Broadway Railroad  
—and at that time I believe that all opposed it some  
twenty-five years ago; if you remember, Mr. Stew-  
art offered a million dollars for the franchise, in  
order to head it off, but times have changed, and

142 the condition of things are not now what they were, and I felt convinced six years ago last December that the time had come when we wanted a surface railroad in Broadway ; I wrote to the papers in regard to it, and the result was that we got a petition quite numerously signed and sent it to Albany, and the bill was presented to the Legislature, but it did not pass, simply because the controlling members were not attended to ; otherwise it might have passed ; at that time I made it my business to ascertain if other gentlemen who are interested in Broadway felt as I did, and I notified the principal property-owners, those that were the largest, Mr. Robert Goelet, and Lorillards, and John Jacob Astor assured me that he was not opposed.

143 *Mr. Beaman* : I don't think that matters of opinion are admissible—this talk he had with other people.

*The Witness* : I meant to say, that I got their consent that the same should be done.

*Mr. Beaman* : I object to that ; he is here as an expert and giving an opinion, but as to bringing in any other people, I think it is incompetent.

*Chairman Harris* : State what you know and what you have observed.

*Witness* : I am speaking of individual efforts to bring about this thing ; it could not be done then, and now it has turned up again ; if you remember twenty years ago, it was first proposed to put down a road in Broadway above Union Square ; it met  
144 with the most violent opposition on the part of the property-owners.

*By Mr. Scribner* :

Q. Have you observed what changes have taken place in regard to the kind of business transacted on Broadway south of Fourteenth Street and above Fourteenth Street during the last twenty years ?  
A. Yes, sir.

Q. Above Fourteenth Street during the last twenty years there has been a horse railroad ? A. Yes, sir.

Q. Tell the Commissioners what you know in respect to the effect that railroad has been upon business north of Fourteenth Street, where it is located. A. At that time I don't think there were more than half a dozen stores above Union Square ;

they were principally between Madison and Union Squares, but above that it was all private houses ; 145  
 since the rails were laid and the cars began to run, things assumed a different aspect, so that now it is as you see, a business mart of commerce, and every building is a store ; I believe myself, if you were to suggest to take up the rails the opposition to take them up would be greater than it was when they were put down.

Q. In reference to Broadway south of Fourteenth Street, how has the want of a railroad in that locality affected business ? A. There must be a sort of paralysis between Union Square and as low down as Houston Street.

Q. What do you mean by paralysis ? A. Half the stores are to let.

Q. Twenty years ago, when there was no horse 146  
 railroad on Broadway above Fourteenth Street, what was the condition of those stores south of Fourteenth Street, which you now say are vacant ? A. As near as I can remember, there were a great many private houses then south of Fourteenth Street.

Q. Between Houston and Fourteenth Streets were there not many retail stores twenty years ago ? A. Yes, sir.

Q. What has become of them or their occupants ? A. You may call them retail, but they are wholesale and retail both, such as Sloane's carpet store ; they wanted a Broadway railroad to come to them, and they finally went to a Broadway railroad.

Q. Where there was a railroad, and because of 147  
 the want of a railroad where they were previously located ? A. Yes, sir ; also Sypher & Co., and Brooks & Co., and also Nicol, Cowlishaw & Co.

Q. What is your business ? A. Principally retail, and now, if it is pertinent for me to speak further on the subject of street railroads——

*Mr. Scribner* : It certainly is.

*The Witness* : About eight or nine years ago, I think it is about then, that a railroad running down to the Jersey Ferry was completed, and I had then perhaps been in business sixteen years, and I had one hundred employees, and I can date the great success of my business from the time that the railroad was laid through Eighth Street to the Jersey Ferry.

Q. What road is that ? A. The Eighth Street Ferry—the Hoboken Ferry.

148 Q. You mean the Christopher Street line? A. Yes, sir.

Q. Running through Ninth and Tenth Streets? A. Yes, sir, and passed my door; then I had one hundred employees, and now I have six hundred and fifty.

Q. And you attribute your increase largely to the construction of that railroad? A. Most decidedly.

Q. In your experience since 1836 in New York, what generally has been the effect of the construction and operation of street surface railroads with regard to the business and advantages of the city?

A. It applies to all alike; take Sixth Avenue and Third Avenue and Eighth Street and Fourteenth Street and Twenty-third Street, and wherever there is a surface railroad going through an important thoroughfare, thrift and activity are sure to follow.

149 Q. Do you know of any practical objection to the construction and operation of a street surface railroad to be run by horse-cars on Broadway, between Fourteenth Street and the Battery? A. I don't; I see a great many reasons why it should.

Q. Do you know anything about a cable road? A. No, sir.

*Cross-examination by Mr. Beaman:*

Q. What is your business? A. Dry goods and fancy goods, and all sorts of stuff.

150 Q. You are a manufacturer? A. No; we don't manufacture much.

Q. You have six hundred persons at present in your employ? A. Six hundred and fifty.

Q. All engaged in selling goods and delivering them? A. Attending to the general business of the house.

Q. Your house is on the corner of Ninth Street and Broadway? A. Eighth Street and Broadway.

Q. How many lots on Broadway? A. Three, one which I own and four behind, two of which I own.

Q. The building covers the entire ground? A. Seven full lots.

Q. And has a basement and is an eighth or ninth story building? A. Yes, sir.

Q. When was it built? A. I cannot tell you that, sir.

Q. You have not built it? A. Well, I have pulled them down and built them up odd times.



Q. When did you build up? A. Within the last six or seven years. 151

Q. Practically within the last six or seven years you have spent a great deal of money, have you, on this property? A. Yes, sir; more in the last two years, probably \$100,000.

Q. Within the last two years? A. Yes, sir.

Q. For part of that property you pay rental? A. Yes, sir.

Q. And the rest you own? A. Yes, sir.

Q. Do you own all the buildings? A. Yes, sir.

Q. And the rest you have as ground rent? A. Yes, sir.

Q. How long a ground rental have you? A. It is renewable every twenty-one years.

Q. When was it last renewed? A. About ten years ago. 152

Q. Was the rental increased at that time? A. Yes, sir; more than ten years since, I think.

Q. Is the ground rental to-day worth more than it was ten years ago? A. Would not be worth as much, because a paper dollar then was worth but sixty-five cents.

Q. Assuming that a dollar was the same as now, would it be worth as many dollars? A. I don't think there has been any increase in the value of that property.

Q. You think the value of property in that location for the past ten or fifteen years is worth about the same as it was? A. I don't think it has increased much in value. 153

Q. Has it increased or decreased? A. I don't think it has changed much.

Q. When did you go there? A. Twenty-four years ago.

Q. Where had you been before that? A. Further down.

Q. How far? A. Between Leonard and Franklin.

Q. Where else have you been? A. With A. T. Stewart, on the corner of Chambers Street.

Q. You were with A. T. Stewart on the corner of Chambers Street? A. Yes, sir.

Q. Why did you go further up town? A. I thought that location would be a good location for the future.

Q. Why? A. To tell the truth, I was forced to take that position.

154 Q. How so? A. Well, it would be rather uninteresting to state.

Q. I don't want to involve you in any personal explanation, but so far as your moving up town had anything to do with the future business of New York, it is in that regard, I ask you? A. It was by mere accident that I became located there, but I always believed afterwards that it was a location that would be a splendid location for the future.

Q. Why? A. Because you would get such a business as I have now.

Q. You thought it was a good thing? A. Yes, sir, and it is close to the Jersey Ferry; in point of fact, it is the first store and the last; it is the first from Brooklyn and the last from New York.

155 Q. Why did you move there? A. I didn't want to be a clerk all my life.

Q. I mean from this first place? A. I was in the employ of another person.

Q. This was the first place you located yourself in for your own independent business? A. Yes, sir.

Q. That is where you began business for yourself? A. Yes, sir.

Q. And that location has turned out to be a good thing? A. Yes, sir.

Q. And you began from one hundred employees to six hundred? A. From one hundred in 1881, to six hundred and fifty now.

156 Q. It has grown all of that in twenty-four years? A. Yes, sir; but the great increase I date from the time that railroad was laid to Jersey Ferry.

Q. You moved up town before Mr. Stewart did? A. I did.

Q. How did your business differ from his, in point of character? A. It was then very small in comparison.

Q. I mean now? A. We have more of a variety—more in fancy articles; our business embraces goods that they keep, but we have a greater variety.

Q. To what persons do you sell principally; from what places do your customers come? A. They come from Jersey, Brooklyn, and from the upper part of the city, and we have a great many carriage customers, people with whom I have dealt for forty years, and their daughters and grand-daughters; then we have a great many customers who come down University Place from up town, and stop at University Place,

and walk up Eighth Street to my store ; am I understood. 157

*Mr. Beaman :* Perfectly.

Q. Is most of your business done with out-of-town people, or mostly those in town? A. Mostly in the city and in the surrounding districts.

Q. Most from out of town or in the city? A. I should think the bulk of our trade has been in the city.

Q. Please tell me how the horse railroads running through Eighth Street has improved your business?

A. By bringing customers from Jersey to the door.

Q. Enabling Jersey people to go to your store? A. Yes, sir.

Q. And that has been a good thing for you? A. 158 Yes, sir.

Q. And has increased your business five hundred per cent.? A. Well, perhaps not solely due to that, but largely.

Q. Your business is so good, you would not move away from there, if you did not have a horse railroad on Broadway? A. Not if I have my proper senses ; it is good enough for me ; but if we have Broadway horse-cars, don't you see how much better it would be, as ladies would not be obliged to walk up to our store from University Place ; we hear frequent complaints of that kind.

Q. You think it would help your business to have a Broadway railroad? A. Indeed I do.

Q. Did you think so twenty years ago? A. I 159 began to have a glimmering of thought ; it came over me about ten years ago ; and then about six years ago I made up my mind the time had come.

Q. You made up your mind that your customers were going away from you up-town? A. No, sir ; but I saw store after store empty ; my dear old friend Brewster who died at the New York Hotel, and who owned that property—those marble stores in Broadway, below Bleecker, has sighed for a Broadway railroad for years, and he died sighing, he sighed until he died.

*Mr. Beaman :* The Broadway railroad killed him?

*Mr. Scribner :* You mean the want of a Broadway railroad killed him?

Q. Well, what about him? A. Well, he was a nice old fellow, and, as I say, he was sighing for a Broadway railroad, and he sighed until he died.

- 160 Q. He was kind of peculiar man? A. Rather.
- Q. Didn't you oppose the Broadway railroad twenty-five years ago? A. Yes; in common with everybody.
- Q. What were your reasons then? A. We thought it would be a sacrilege; I took the same view that many people now take, that it would be a desecration to have a railroad on Broadway; some people opposed it by reason of its historic interest, and thought it would be a desecration to have a horse railroad in Broadway.
- Q. You have got all over that now? A. Yes, sir; when I think the very street on which the Declaration of Independence was signed has got a horse railroad running through it; it is a narrow street compared with Broadway, and that street is desecrated by the railroad, but people don't seem to say anything about it.
- 161 Q. Where were you born? A. In England.
- Q. And you believe in the Declaration of Independence? A. Yes, sir; decidedly,
- Q. What were the other reasons you had for opposing a railroad on Broadway thirty years ago? A. Only that in common with the rest.
- Q. You thought it was not a good thing for Broadway? A. I thought it would be the death of the fine trade.
- Q. Why? A. I thought it would interfere with the carriage; then we had a great number of carriages, and I had charge of the rival house of A. T. Stewart (James Beck & Co.)
- 162 Q. And you thought it would hurt your fine trade? A. Yes, sir.
- Q. Where were the best residences in New York then? A. In my time the best were down here.
- Q. I mean when you opposed this Broadway railroad? A. They were going on up Fifth Avenue, and there were a great many fine residences and fashionable people living in Clinton Place and on Broadway, near where I am now.
- Q. A good many below Fourteenth Street? A. Yes, sir; in fact, there was a large resident population in Fourteenth Street, on both sides of the river, and also in Washington Square and Waverly Place.
- Q. There were scarcely any retail stores on Broadway above Fourteenth Street at that time? A. Oh, no, sir.

Q. Very few up where you are now on Broadway? 163

A. I think not.

Q. You went up-town very far for that time, didn't you? A. Yes, sir; the wholesale trade in my time was in Hanover Square; about forty years ago it took a start and went to Park Place; from Park Place it gradually crept along until the bulk of the trade, now—the wholesale dry goods business, is about between the limits of Leonard Street and Broome Street, West Broadway and Broadway; it has taken forty years for the wholesale trade to reach Broome Street, and I think it will take twice forty for it to reach from Broome Street to Union Square.

Q. Then you think it will take eighty years? A. Yes, sir; and I don't think you and I will be much deceived. 164

Q. Then you differ from the last witness? A. Yes; I think I should differ from him in a good many things.

Q. You never talked over this subject with him? A. No, sir; I never saw him before.

Q. When you went up-town to this place of yours, that is what anybody would have considered an extreme point to locate a dry goods store then? A. Well, it was not the extreme, but there were no stores of any importance, and it was before Lord & Taylor were there.

Q. If a man was going to locate a dry goods store now in a place that would be representedly the same part of the city, that is equally far up-town, where would he locate? A. I think the best answer I can give you is to narrate a conversation I had with the owner of property on the corner of Twenty-third Street and Fifth Avenue—Mrs. Peckham; twenty-five years ago Mrs. Peckham, the owner of that property, said to me in answer to a question I put to her: "Don't you think the time will come when that will be very desirable as a business corner?" "Well," she said, "if ever I let that corner you shall have the first refusal." The old lady remembered her promise; and four or five years ago she came to my store and said; "Mr. Daniell, I have now got an offer for that corner. and we are going to lease it." She said, "You know I promised you many years ago, the first refusal." "Well," I said "what are your figures?" She said, "\$20,000 a year ground rent, all the taxes, make all the improve- 165

166 ments yourself; the property is 25 x 100." I said, "Mrs. Peckham, I have got here (at that time my premises were not so extensive as now,) fifty-three feet by one hundred and fourteen deep, and then I have in addition to that, 25 x 100; if you will go to work and add to your lot on the corner the same quantity of room that I have here, and put the building up yourself and pay the taxes yourself, I will swop even with you."

Q. You would not do any better with her now, would you? A. No, sir.

Q. You think your place is better than this corner at Twenty-third Street and Fifth Avenue to-day? A. Well, I would not exchange.

167 Q. For the same amount of land? A. No, sir; I am very desirous of seeing all that neighborhood around there improve.

Q. Well, supposing a man were to locate a dry goods store to-day, and he was going to locate it in such a part of the city as you located twenty-four years ago—as far up town as your place was twenty-four years ago—where would he locate it? A. That depends upon the individual.

168 Q. Supposing you were going to do it and were going to locate it relatively to the business city; when you located your store the whole-sale business was way down here, and you made a break and went up there; what I want to know is, where you would locate your store to-day, to be relatively in the same position so far as business is concerned, as your present store was twenty-four years ago? A. Well, all I can say is, that having tasted the sweets of prosperity to such an extent as I have, I think I should choose a location near where I am now; I don't think I could beat it.

Q. You are satisfied? A. Yes, sir.

Q. You are not going to sigh till you are dead, because there is no Broadway railroad? A. No, sir.

JOHN DANIELL, recalled for further cross-examination, and examined by Mr. Beaman:

Q. Where do you live, Mr. Daniell? A. 759 Broadway.

Q. What is the number of your store? A. That is one of the numbers.

Q. Do you live in your store or over your store? 169

A. On the fourth floor I have a flat.

Q. How long have you lived there? A. Well, I should think about eight or nine years.

Q. Do you own any other property in Broadway than that in which your stores are situated? A. No, sir.

Q. Do you own any other real estate in the City of New York? A. No, sir.

Q. How did you come down to the court-room this morning? A. In a car.

Q. What car? A. Fourth Avenue.

Q. Did you walk through Eight Street to the Fourth Avenue cars and come down? A. I did, sir.

Q. Is that your usual way of coming down town? 170  
A. Well, I have no usual way of coming down town; sometimes I walk down town.

Q. But suppose you are riding, what has been your habit? A. Well, I generally take the elevated road when I want to come down far—when I want to go way down town.

Q. The elevated road from Ninth Street? A. At Ninth Street; yes sir.

Q. Or at Eight Street, I suppose, sometimes? A. Well, the Elevated station is at Ninth Street.

Q. Ninth Street on the Third Avenue Road, and Eighth Street on the Sixth Avenue Road? A. Yes, sir; sometimes I come down on the Sixth Avenue Elevated Road, when I want to go down to the west side of the city. 171

Q. When you go down as far as Wall Street, then you take the elevated road as a rule? A. Yes, sir.

Q. You seldom use the omnibuses? A. Very seldom.

Q. Why do you prefer the elevated road to the omnibuses? A. Much quicker.

Q. Why do you prefer it to the horse-cars? A. Much quicker.

Q. How do you, when you are going to take the elevated road, go from your store to the station, on foot? A. I take the car down to Sixth Avenue.

Q. Take the car to Sixth Avenue or the car to Third Avenue? A. No, I walk over to Third Avenue; we are very close to Third Avenue.

Q. And it is quicker for you to go down town in that way, than it is to go down in any other way, if

172 you are going below Wall Street? A. Yes, sir; I think so.

Q. Suppose you were going down to the Astor House, how would you go if you were not going to walk? A. I would take the Broadway cars; they take me right to the Astor House.

Q. You would take the Broadway cars? A. Yes, sir.

Q. That is, the cars that go down University Place? A. Exactly.

Q. Why didn't you take those cars to-day, rather than the Fourth Avenue cars? A. Because my friend's house was on the corner of the east side of Broadway, and he suggested we better take that way of coming down.

173 Q. Which is the quickest way of getting down to the Astor House from your office or store, if you are going to take the horse-cars in the ordinary time of day? A. I think the Broadway car is the most expeditious.

Q. They are quicker than to go by the Third Avenue? A. Yes, sir; I think so; more direct.

Q. You spoke the other day about a line of cars going through Eighth Street; is that a double or a single track road? A. Double.

Q. Where does it run? A. Runs down to the Christopher Street Ferry; I don't know where the terminus is on the east side.

Q. Does it go across the city? A. Yes, sir.

174 Q. It has a double track, then, across the city? A. Double track.

Q. How long has that road been built? A. I should think eight or nine years.

Q. In running operation eight or nine years? A. Oh, yes, sir.

Q. As I understand you, you said that you dated the large increase in the amount of your business since that road commenced to run? A. Yes, sir; from that railroad.

Q. Has your business been going on steadily increasing since that railroad has been there? A. Yes, sir.

Q. Has there been any diminution in the amount of your business during the last year or two? A. No, sir.

Q. That railroad brings to your place of business, people both from Long Island or Brooklyn, and



from Jersey, does it not? A. No, it brings them 175  
from Jersey.

Q. Brings them from Jersey, but does not bring them from the other side, from Brooklyn? A. No, it has no connection with Brooklyn.

Q. Doesn't it go to the ferry on that side—on the east side? A. No, it goes to the North River, to the Christopher Street Ferry, foot of Tenth Street.

Q. Well, as I understand you, it ran way across the city? A. It runs from the west side to the east side.

Q. Way to the east side of the city? A. Yes, sir.

Q. Does it on the east side connect with the ferry? A. I think so; I don't know; I never was over there.

*Commissioner Harris*: It starts from the Green- 176  
point Ferry, I think.

*The Witness*: Greenpoint, is it?

*Mr. Beaman*: I am not familiar with it myself. It connects with the South Seventh Street Ferry on the east side.

*Mr. Scribner*: Tenth Street.

*Mr. Ashman*: There are several ferries coming in there within three or four blocks: The South Seventh Street, the Tenth Street, and some others.

*Mr. Beaman*: If the commission will allow, I will take that as his answer, that he is informed that it is connected on the east side with several ferries, or in the immediate vicinity of several ferries.

*Commissioner Harris*: There is no objection to that. 177

Q. If that is so it affords a means of connection with your store for people living in Brooklyn or Williamsburg? A. Undoubtedly.

Q. And do people come to your store in that way, using that road? A. I think so.

Q. Has the placing of this road here in this Eighth Street increased your business with any other parts of the world except with Jersey and Brooklyn? A. Our business has increased very rapidly since the laying of those tracks on Eighth Street; I couldn't say how far, how much, or to what extent that increase has been due to the railroad, but a marked increase was very noticeable from the time that those rails were laid; I think I stated here before that at the time or about the time those rails were

178 laid we had about 100 employees ; now we have got over 600.

Q. Is there any other cause that has contributed so much to the increase of your business, in your judgment, as the putting down of those tracks? A. Undoubtedly there are other causes—larger room, more extensive premises.

Q. Well, what else? A. Larger stock.

Q. Well, then, you don't attribute the whole increase of your business to this horse railroad? A. I think that has been a very great factor.

Q. Well, how great a factor? A. Well, I couldn't tell you.

Q. But you spoke the other day about there being some dullness on the upper part of Broadway; you have not noticed any in your business, have you?  
179 A. Dullness?

Q. Yes, sir. A. What part of Broadway did I speak of?

Q. You spoke of a certain part—perhaps above Prince Street to Fourteenth Street. A. I think I said that the property lying between Union Square to Bleecker Street or Houston Street was in a partial state of paralysis, and you asked me the meaning of it, and I said untenanted stores.

Q. But you have not noticed any paralysis in your business? A. Not much.

Q. Yours is just as lively, and just as rushing and just as increasing as ever? A. It increases all the time.

180 Q. And you see a good prospect of its increasing; no signs of falling away, is there; what I am after, Mr. Daniell, is to see if there is anything peculiar about your business that makes it increase while these other parts of the street are paralyzed? A. Well, I have been where I am for twenty-four years; and a good deal of our success perhaps is due to making that our location, a sort of centre where they all come for that class of goods; it is exactly like Macy's; you know when Macy first began that part of the Sixth Avenue and Fourteenth Street had scarcely any stores there at all; but Macy persevered in staying there, and the result is that Macy has a very large trade; but Macy's customers are supplied with railroads.

Q. Are Macy's class of customers about the same as yours? A. Well, we don't keep exactly the

same class of goods that Macy does ; our goods are 181  
of a higher class of character.

Q. Higher priced ? A. Yes, sir.

Q. Is there any merchant on Sixth Avenue that  
keeps about the same class of goods that you do ?

A. Yes, sir ; I think so.

Q. Who ? A. I think Altman does.

Q. Is there any other ? A. Yes, sir.

Q. What other ? A. I think Simpson, Crawford  
& Simpson keep much about the same ; I don't think  
they keep so large a stock of fine fancy goods as  
we ; but about the same.

Q. About the same ? A. Yes, sir.

Q. Are there any other merchants on other parts  
of Broadway that keep the same class of goods that  
you do ? A. Not to any extent.

Q. You have altogether a different class of goods 182  
from Arnold & Constable ? A. Yes, sir.

Q. Or from Lord & Taylor ? A. Yes, sir.

Q. Or from some large dry-goods house on Broad-  
way near Thirty-third Street ? A. Well, I don't  
know of any up there.

Q. Thirty-second Street ; I think there is a large  
dry-goods house up there.

*Commissioner Harris :* Sloane's Carpet Ware-  
house.

*The Witness :* Oh, yes, Sloane.

Q. How is he ; about the same ? A. Well, no ;  
they don't keep the class of goods we keep at all.

Q. Inferior or what ? A. Well, a different line  
of goods ; more in the millinery ; exclusively, per- 183  
haps.

Q. What other large houses are there in the city  
that keep about the same class of goods that you  
do ; are there any on Grand Street ? A. No, I think  
not.

Q. What are the large dry goods houses on Grand  
Street ? A. Ridley & Son.

Q. How about that ; inferior or superior to yours ?  
A. Well, it is a different class of trade altogether ;  
it is an inferior trade.

Q. Any other on Grand Street ? A. Well, there  
is Lord & Taylor, you know.

Q. Are their goods about the same as yours ? A.  
Well, they keep rich goods, but they don't keep so  
many fancy goods as we do ; their stock of fancy  
goods is not so extensive.

Q. Then on Eighth Avenue, are there any stores

184 that have your class of goods? A. Well, Jones may to a certain extent—Jones.

Q. Well now, there are then in various parts of the city, large houses keeping substantially the same class of goods that you keep? A. Yes, sir.

Q. And you have made a kind of centre, as you say, of your place for your class of goods? A. Yes, sir.

Q. And have you no desire to move? A. No, sir.

Q. And if you were going to select a place to-day, you think that would be the best place? A. Yes, sir; I think that is the best location for us.

Q. That is, it is the best location to sell your class of goods? A. Yes, sir.

185 Q. Now, what advantage to you would it be to have a horse railroad on Broadway? A. Give greater facility for people to reach there.

Q. Greater facilities to get there? A. Yes, sir.

Q. You think you would sell more goods then? A. I think so; and I think it would benefit my neighbors, too.

Q. Whom do you mean by your neighbors? A. Well, the neighboring stores of any kind.

Q. On Broadway? A. Yes, sir.

Q. You think that if you had a horse railroad on Broadway people could come to your store more easily, and you would sell, therefore, more goods; that is your idea about it? A. Yes, sir; I think so.

Q. And that your neighbors would sell more? A. I think so.

186 Q. There wouldn't be more dry goods sold in the City of New York, would there? A. That I can't tell.

Q. Does the making of railroads, the putting down of railroads, create a greater demand for dresses, and cause people to buy things that they would not otherwise buy? A. Well, you cannot go into a question of that kind.

Q. You cannot what? A. I do not see that you can go into a question of that kind with any degree of satisfaction.

Q. Assuming that there is a certain lot of people that come to New York and buy goods, you and those other houses—Altman and Macy and the others—are competing for the trade, are you not? A. Yes, sir.

Q. You are competing in prices, in goods, and

you are competing in stores, and in politeness of 187  
clerks, and attention to patrons—you are all after  
that trade? A. Yes, sir.

Q. Now, you don't mean to say that the putting  
down of horse railroads would make any more ab-  
solute trade for all of you? A. In the City of New  
York, do you mean?

Q. Yes, sir; in the City of New York. A. Broad  
way is the most—

Q. Answer my question as nearly as you can.  
A. I am going to answer.

*Mr. Scribner:* He is answering.

*The Witness:* Broadway is the most expensive,  
it is the most costly thoroughfare in the world, of  
its size, between Union Square and the Battery.  
Including the real estate and the buildings and the 188  
property therein, it couldn't be counted I suppose  
except by hundreds of millions; everybody com-  
ing to New York wants to see Broadway; and  
therefore I think it is essential that Broadway  
should be properly looked after; hitherto it has  
been uncared for, only by the omnibuses.

Q. Have you got through? A. Yes, sir.

*Mr. Beaman:* Will the stenographer please re-  
peat my question.

(Question repeated.) A. Well, that is a question  
that cannot be answered; I cannot answer that  
question.

Q. Can't you give your opinion about it? A. I  
suppose there would be the same amount of goods 189  
sold on Manhattan Island whether there was a rail-  
road on Broadway or not.

Q. And the only effect, then, of a railroad on  
Broadway would be that it might enable you to sell  
more of your dry goods instead of Mr. Macy or Mr.  
Altman selling the same goods? A. And fill the  
untenanted stores with tenants.

Q. What? A. And fill the untenanted stores  
with tenants.

Q. I am not talking about the untenanted stores;  
that is another thing; I am talking now about hav-  
ing a railroad on Broadway as affecting your busi-  
ness; you think it would benefit your business?  
A. Yes, sir; I certainly do.

Q. Now, I am asking you whether the helping of  
your business would not in effect hurt some other  
person's business as much as it helps yours? A.  
That I cannot answer.

190 Q. Don't you think it would? A. That I cannot answer.

Q. Don't you think it would? A. I cannot answer that question.

Q. Do you know of any other way that it would help your business except by taking away the same amount of trade from other parties? A. I cannot tell you.

Q. Well, do you know of any other way, or have you thought of any other way? A. No, sir.

Q. Is not the whole of your business as a merchant practically to carry on your business in such a way as to get the business of somebody else? A. I cannot tell you.

191 Q. Isn't that your habit as a business man, and isn't it a perfectly legitimate thing to do? A. We try to do the most we can.

Q. And that is what you are trying to do when you are here advocating a road on Broadway; is it not? A. Yes, sir.

Q. You are trying to get a road there that will enable people to come more easily to your store, and keep them from going somewhere else where they cannot go so easily? A. I want them to go to all the stores on Broadway; I want to see more stores there.

192 Q. But so far as your individual store is concerned, that is what you are after? A. We are trying to do the most we can; we are trying to increase our business all the time; and we think that a horse railroad would be of great benefit to us.

Q. Well, now, where would it bring you your customers from? A. Where?

Q. Yes? A. The upper part of the city and from Brooklyn.

Q. And from where? A. And from Brooklyn.

Q. You think you would get more customers from Brooklyn and more customers from the upper part of the city? A. Yes, sir.

Q. Now, where do the customers now trade that would come to you from Brooklyn if there was a Broadway Railroad? A. Well, that I couldn't say.

Q. You don't know where they now go? A. I suppose a Broadway Surface Railroad would increase the Brooklyn trade.

Q. Increase the Brooklyn trade? A. Yes, sir; that is to say, would bring us more Brooklyn trade.

Q. That is, it would hurt Brooklyn and help New

York? A. Well, we don't know anything about 193  
hurting Brooklyn, you know.

Q. Well, it would hurt Brooklyn traders and  
help New York then; is that what you mean? A.  
Yes, sir; that is the tendency of all business, you  
know, to try to do the best we can.

Q. You think a railroad on Broadway would  
bring more trade to New York from Brooklyn? A.  
I think so.

Q. Now, the question is, what people would it  
bring to your store (and I speak of your store as a  
representative store on that part of Broadway)—  
what people would it bring to your store that don't  
come there now? A. Well, various ladies.

Q. Well, where do they trade now, do you think?  
A. I couldn't say.

Q. Well, where is it more convenient for them to 194  
go coming from Brooklyn than it is to go to your  
store? A. They have some very large stores in  
Brooklyn, in Fulton Street.

Q. Well, suppose a lady in Brooklyn wants to  
come over now to some place in New York to buy  
the class of goods that you have, where can she get  
them; to what store can she get most conveniently?  
A. In Brooklyn?

Q. From Brooklyn to a store in New York? A.  
Well, she would take the Broadway Railroad and  
come up to our store, perhaps.

Q. That is convenient, is it not? A. Yes, sir.

Q. It is convenient? A. Yes, sir.

Q. And what else can she do? A. She can go 195  
somewhere else, if she likes.

Q. What other place can she go to as conveniently  
as she can go to your store? A. Go to Stewart's.

Q. Well, anywhere else? A. Oh, yes; she can  
go upon Sixth Avenue if she wants to.

Q. As conveniently as she can to you? A. Not  
quite.

Q. Then is there any place in New York to-day  
where a Brooklyn woman can go and get the goods  
that you sell as conveniently as she can get them  
from your store? A. Perhaps not, because we are  
first from Brooklyn.

Q. What? A. We are the first store from  
Brooklyn.

Q. And they can get to you conveniently by two  
lines of cars, can't they? A. One line of cars.

196 Q. Well, either by the Third Avenue or by the Fourth Avenue, or by Broadway? A. Oh, yes.

Q. Or by two lines of Elevated Railroad? A. But if you take the Third Avenue you have got to walk two or three blocks.

Q. And you can get to your store by lines of omnibuses from the Brooklyn ferries—from the Wall Street ferry, or the South Street ferry, or from the Fulton ferry, can't you? A. The omnibuses come up from the Brooklyn ferries.

Q. From all of those ferries? A. Yes, sir.

Q. Now, is there any point in New York to-day where a lady from Brooklyn can come as conveniently as she can come to your store, provided she wants to buy the class of goods that you sell? A.

197 Well, she could go to Grand Street if she wanted to.

Q. More conveniently? A. Well just about as conveniently.

Q. Well, a lady that wanted to go to Grand Street would have to take another line of cars? A. Yes, sir.

Q. A lady wanting to go to Grand Street would go to what store there? A. Lord & Taylor.

Q. Now, you think a lady wanting to go to Grand Street—to Lord & Taylor's—would come to your store if there was a Broadway Railroad, and leave Lord & Taylor's? A. Perhaps so.

Q. Do you think so? A. Very likely.

Q. Is that one part of the trade you want to get? A. We are trying to get trade from anywhere.

198 Q. Well, that is one part of the trade you desire to get? A. Yes, sir.

Q. Now, beside Lord & Taylor on Grand Street, is there any other store in New York where a Brooklyn lady can go as conveniently as she can go to yours? A. Not in a direct line.

Q. Well, can she go in a crooked line and get there any quicker? A. I think not.

Q. Then there isn't any place in New York where a Brooklyn lady can go and get goods of the character you keep as conveniently as she can go to your store? A. A Brooklyn lady can take the Elevated Road at the South Ferry and reach the Sixth Avenue stores quicker than a horse railroad would bring her to our store.

Q. Well, you wouldn't expect a lady that wanted to go that way to come to your store if you had a



horse railroad on Broadway, would you? A. I 199  
cannot tell you.

Q. You would try for that, would you? A. We  
would go for that.

Q. Then you are trying by horse railroad to get  
the business away from the Sixth Avenue people and  
from Lord & Taylor there in Grand Street? A.  
Well, we are trying to get all the trade we can.

Q. That is all right; there is no harm in that at  
all; nobody has any objection to it; I only wanted  
to see what you are after; now, it don't seem to me  
that there is any particular place in New York that is  
any better than yours as it now is? A. Perhaps  
not.

Q. You think so, and nothing about your busi-  
ness seems to indicate otherwise, isn't that so? (No 200  
response.)

Q. Now, that is so far as Brooklyn is concerned;  
now, isn't it just as true in regard to Jersey; is  
there any place in New York where a lady from  
New Jersey who wants to buy your class of goods  
can get to more conveniently than she can to your  
store? A. Yes sir; she can stop at Sixth Avenue.

Q. Well, are they stopping there? A. She can  
stop at Sixth Avenue and walk up to Altman's.

Q. You mean stop at Sixth Avenue? A. Yes, sir.

Q. Well, don't they stop there? A. A great  
many do.

Q. Well, a lady who is coming by the Eighth Street  
Ferry, and was going to stop at Sixth Avenue,  
wouldn't come to your store any more just because 201  
there was a railroad on Broadway, would she? A.  
Perhaps not.

Q. Well, you wouldn't expect to get that cus-  
tomer, would you? A. Well, women shop around  
everywhere; they will go a mile to save three cents.

Q. And walk? A. Yes, sir; and sometimes they  
ride.

Q. They will ride, or walk, or anything? A. Yes,  
sir.

Q. And you couldn't keep them away from your  
store anyway; could you? A. I don't want to.

Q. And you couldn't, could you? A. Never tried  
it.

Q. Well, do you like to trade with this class of  
women that will walk miles to find your store? A.  
We have got to like it.

202 Q. And do you like it? A. We have to like it; it is not a matter of choice with us.

Q. What you mean to say is, that it is your business to trade with anybody who comes and wants to buy? A. Yes, sir.

Q. And you don't care how they come there, do you? A. Yes, sir; we want an easy facility; we want an easy way of getting there.

Q. Oh, certainly, you want to get all the trade? A. All we can.

Q. Now, Mr. Daniell, of course the Staten Island people stand relatively to your store just about the same as the people from Brooklyn? A. Just about.

Q. Just about the same? A. Yes, sir.

203 Q. Now, there don't seem to be any particular way in which a Broadway road would help you as far as Jersey people are concerned, or Brooklyn people are concerned, or Staten Island people are concerned—of course, there are some chances about it; but now you say you think you would get more trade from up-town? A. More trade from up-town and down-town, and Jersey, and Brooklyn, and from various points.

Q. Well, now, we have got all through with those various points; now I am talking about up-town; now, from what section of the city do you think you will get customers, above Fourteenth Street, that you don't get now if you had a Broadway railroad? A. Well, I think we would get a vast quantity of trade from the west side of the city.

204 Q. West side—west of Fifth Avenue, you mean? A. West of Fifth Avenue, just on the line of this railroad—this upper Broadway railroad.

Q. Isn't it very convenient now for people on the west side of the city to get to your store? A. No, sir; they have to go down to University Place and from there walk up.

Q. How far is that? A. About three blocks.

Q. From University Place to your store? A. Yes, sir; three ordinary blocks.

Q. How many feet is it from the rear of your store to University Place? A. I should think about 700 feet.

Q. About 700 feet? A. Yes, sir.

Q. Now, it is not any further in distance to your store to go down University Place and walk to it than it is to ride down Broadway and get to it—the

distance is just the same, isn't it? A. How do you mean, to ride down Broadway? 205

Q. Suppose there was a Broadway Railroad connecting at the corner of Union Square and Fourteenth Street with the present road—A. Yes.

Q. That would necessitate the car's coming down East Fourteenth Street to Broadway, and then down Broadway to your store; on the other hand, the present car, continuing right along on the line of Broadway goes down University Place, and a person riding in it simply gets off of the car at the corner of Eighth Street and walks to your store? A. Yes, sir.

Q. Now, the distance to your store is just the same, whether you go in one way or the other? A. If you ride down in a car, you know, you would have no distance to walk at all. 206

Q. I understand that we have none to walk. A. Do you mean the distance from Union Square down?

Q. Yes. A. Well, that is quite a long distance.

Q. Well, is it the same or not? A. It is much longer.

Q. Much longer where? A. Why, from Eighth Street up to Union Square than it is from Broadway down to University Place.

Q. Mr. Daniell, if you were at the corner of East Fourteenth Street and Broadway where Duncan's store is—you know where that is? A. Yes, sir.

Q. Isn't it just as near for you to walk down University Place to your store as it is to walk down Broadway to your store? A. There is not much difference, I should think; I should think there was not much difference. 207

Q. No difference? A. I should not think much.

Q. Then wouldn't a person have to go in a car just as far or further going from Duncan's store down to your store by Fourteenth Street and Broadway as it would if he went straight down University Place? A. He would have to go a little further; but he would go much quicker.

Q. And if you had to change cars there, do you suppose anybody would get out of the car at Duncan's corner and get into a car to go down to your store, instead of keeping right on in the car and going down University Place? A. I suppose that the lower Broadway Railroad would connect with the upper Broadway.

Q. Well, suppose it didn't, or suppose a person—

208 while it might connect—suppose a person was in a car that was a University Place car, and the next car behind it was one of these Broadway cars coming down by your store, and the person could by getting out have a ticket without any cost and take the next car, do you suppose a passenger would get out, at the corner of Fourteenth Street, of a University Street car and wait until the other one came along just for the purpose of avoiding walking the distance on Eighth Street? A. I think not.

Q. Then, practically, this Broadway car would not afford any special facilities any more than the present Broadway car does to your store; would it? A. Oh, yes; I think so; I have always thought so.

209 Q. Well, it would reach the same class of people—stretch up into the same neighborhood; wouldn't it? A. Reach the same class of people; yes, sir.

Q. Same class of people—that is your idea, if it did connect, that it would reach the same class of people that the present Broadway Railroad does, and would bring them to the front of your store instead of to the rear; isn't that it? A. Well, it would be a long way in the rear.

Q. Well, 700 feet is not a long way? A. It is three blocks.

Q. Well, you don't think it very long, do you? A. Some of these old ladies do, though.

210 Q. But you are an older man than some of your customers—a great deal older than some of your customers—and it doesn't seem to be such a distance to you; you walk over to Sixth Avenue and take the Elevated Road down, and here we are only talking about 5 or 600 feet; but whether it is more or less, and whether a person is older or younger, that is all there is of it—that this Broadway road would bring a passenger 5 or 600 feet nearer to your store than he could now get? A. Yes, sir; as far as we are concerned.

Q. Now, it wouldn't help your store at all, would it, as far as people going down Fourth Avenue are concerned, or Third Avenue, or from the east side of the city? A. We have a large trade coming down Third Avenue—coming down the Elevated Road.

Q. And a Broadway road wouldn't help them, would it? A. That wouldn't have anything to do with a Broadway road.

Q. And it wouldn't have anything to do with the

people coming down Fourth Avenue? A. Well, 211  
no, I think not; unless it was connected with the  
Fourth Avenue road.

Q. If it was connected with the Fourth Avenue  
road, then it would bring them a little nearer. A.  
Yes, sir.

Q. Well, now, can you think of any advantage  
that this Broadway road would bring to you except  
the advantages which you have now talked about?  
A. The advantage of a Broadway Surface Road?

Q. I mean to you personally in your store. A. I  
think it would increase our trade and all others on  
Broadway.

Q. And what? A. And all others on Broadway.

Q. But it would increase it at the expense of some  
other merchants in New York? A. Well, that you 212  
cannot tell, you know.

Q. Don't you know it would? A. If a man wanted  
a lawyer and would employ you in place of the  
other fellow, why the other fellow wouldn't get it.

Q. Isn't it just so if a man wanted a yard of silk  
and bought it from you instead of Altman, that you  
would sell it and the other man wouldn't? A. Yes,  
sir; if you wanted a yard of silk and bought it from  
us, and didn't from Altman, Altman wouldn't sell it.

Q. Isn't it true that your business is conducted on  
the idea of getting people to buy your goods, instead  
of buying from somebody else? A. That is the ten-  
dency—to increase the trade.

Q. To increase your trade at the expense of some-  
body else? A. That we cannot tell; that is rather 213  
remote.

*Mr. Scribner* : Trying to increase the population,  
too.

Q. The other counsel—the counsel for the road—  
says you are trying to increase the population; do  
you know what he means by that? A. Well, gen-  
erally people know what it means—to increase the  
population.

Q. Do you suppose this railroad in Broadway will  
help that in any way? A. That is another thing.

Q. Is that one of the reasons you are advocating  
it? A. Oh, no, I don't so understand it; I didn't  
understand that.

Q. The dry goods business has nothing to do with  
the increase of population? A. Well, no; we have  
never looked into that thing.

Q. Now, is much of your personal attention given

214 to attending to business below your store ; do you come down town often ? A. I sometimes walk down Broadway.

Q. Do you often come down in the course of your business ? A. I often walk down Broadway.

Q. Do you, in the usual course of your business, often come down town ? A. I don't go down town very often, because I don't buy anything ; I have about thirteen buyers, and therefore it is not necessary for me to go down town, only on special occasions.

Q. That is all I wish to know ; personally, then, most of your business is attended to in your own store ? A. Yes, sir.

Q. And has been for a series of years ? A. Yes, sir ; ever since I have been established there.

215 Q. How long since you personally have had much to do with the business of your firm in the way of buying ? A. Well, it must have been ten or twelve years since I bought anything.

Q. How often, then, do you come down in the course of a week ; as often as once a week ? A. I think not.

Q. As often as once a month ? A. Perhaps so.

Q. But seldomer oftener than once a month ? A. I cannot say ; I never looked at that.

Q. Now, what part of your business do you attend to ? A. Financial.

Q. And you are in the office most of the time ? A, I am there in the morning.

216 Q. Mr. Daniell, you speak of having fifteen buyers ? A. Thirteen.

Q. Persons buying ? A. Yes, sir.

Q. Where are those persons buying ; mostly in New York ? A. Oh, yes, sir ; occasionally we send one or two over on the other side.

Q. But most of your purchases are in New York ? A. Yes, sir.

Q. In what part of the city ? A. Lower part of the city, among the importers.

Q. Among the importers ? A. Yes, sir.

Q. Where are the concerns located from whom you buy ? A. In the neighborhood of Broome Street.

Q. Of what ? A. Broome Street, and below that.

Q. Do you buy goods below Canal Street ? A. Yes, sir ; sometimes.

Q. Are most of your purchases made above Canal

Street? A. I think the bulk of our goods, perhaps, 217  
is bought above Canal Street.

Q. Between Canal Street and what street? A.  
And Broome Street.

Q. On Broadway? A. Oh, not along Broadway;  
no.

Q. On Broadway or in the vicinity of Broadway?  
A. Oh, no; the importers do not seek Broadway;  
they take the side streets.

Q. Why? A. Because the rents are less.

Q. These importers that you buy of extending  
from what streets? A. Oh, Greene Street, Broome  
Street, Mercer Street, all those side streets.

Q. Are there any of them east of Broadway? A.  
Very few.

Q. Mostly west of Broadway? A. Mostly on the 218  
west side.

Q. Now, that is where they are to-day? A. Yes,  
sir.

Q. That is where they are now? A. Yes, sir.

Q. Now, where were they ten years ago? A. Just  
about where they are now.

Q. Where were they twenty years ago? A. Just  
about the same place.

Q. Where were they when you commenced busi-  
ness in this place where you are now at Eighth  
Street? A. Twenty-four years ago?

Q. Yes, sir. A. Much about the same location.

Q. Do you mean to say that twenty-four years  
ago you bought most of your goods north of Canal  
Street? A. No, I can't say that. 219

Q. Where did you buy them? A. I think we  
bought most all of our goods below Canal Street at  
that time; perhaps between that and Leonard  
Street.

Q. Isn't it a matter of fact that you bought no  
goods north of Canal Street thirty years ago? A.  
From wholesale stores?

Q. Wholesale stores. A. Thirty years ago?

Q. Twenty years ago I said. A. Well, of course  
we did twenty years ago.

Q. Well, what goods did you buy north of Canal  
Street? A. Oh, I couldn't tell you that, sir.

Q. Now, most of our goods are bought between  
Canal and Broome Streets? A. I should think so.

Q. Are they mostly imported goods, or domestic  
goods? A. All foreign goods—nearly all foreign  
goods.

220 Q. Where are they delivered to you? A. On Eighth Street.

Q. On Eighth Street? A. Yes, sir.

Q. From where; from the Custom House or from the bonded warehouses? A. Sometimes from the Custom House and sometimes from the importers.

Q. At what time of day? A. Any time of day.

Q. How do they get to your warehouse or to your store? A. Well, they come up on trucks.

Q. Along Broadway? A. I don't know how they come up, whether by Broadway or some of the side streets.

Q. You don't know anything about that? A. No, sir; I never took any notice of that.

221 Q. How many truck-loads of goods do you have delivered to your store a day—probably? A. That I couldn't tell you.

Q. One hundred? A. Oh, I don't know; I should think not a hundred.

Q. Do you make deliveries of the goods that you sell all over the city? A. Yes, sir.

Q. Do you deliver in Jersey? A. Yes, sir.

Q. And in Staten Island? A. Yes, sir.

Q. And in Brooklyn? A. Yes, sir; in Brooklyn.

Q. How many deliveries do you make in each of those places a day? A. That I couldn't tell you.

222 Q. How do your wagons get to Brooklyn, do you know? A. Our wagons are not sent to Brooklyn; we have express companies that come there and take the parcels.

Q. And so with Staten Island? A. And so with Staten Island.

Q. And so with Jersey City? A. Yes, sir.

Q. You pay the expenses, but don't own the wagons? A. Yes, sir; our own wagons deliver in the city.

Q. You have spoken about the paralysis on Broadway; that extends from where to where? A. All the way down, I should think, to Houston Street.

Q. From Houston to where? A. To Union Square.

Q. Is the price of rents maintained there? A. Of the what, sir?

Q. Are people paying the same rents there as heretofore? A. I don't think they are paying any more.



Q. How long since this paralysis began? A. 223  
Well, I should think for fifteen years—probably twenty years.

Q. Twenty years? A. I should think, sir, twenty years ago; Broadway has suffered from Union Square down to at least Bleecker Street, and below.

Q. For twenty years? A. Yes, sir; I should think so.

Q. Is it any worse off than it was twenty years ago? A. Well, it is not any better off, I think.

Q. What? A. I think it is not any better off.

Q. Is it any worse? A. I think it is, because very recently some of those large houses have moved out of Broadway—Sloane's, Brooks, Nichol, Cowlishaw & Co.—they were importers—

Q. They moved away? A. They moved where 224  
there was a railroad.

Q. Do you know why they moved away. A. Because they wanted to go where there was a railroad; that is what I understand.

Q. I didn't understand that? A. They wanted to go where they would be on the line of a railroad.

Q. Do you know that that was their reason? A. I know that one of the firm of Brooks Brothers told me that the other night.

Q. One of Brooks Brothers told you so? A. Yes, sir.

Q. That is the Brooks Brothers that have moved to the corner of Twenty-second Street? A. Yes, sir; one of that firm admitted that to me the other night. 225

Q. Well, you never thought of moving away on that account? A. No, sir, because I am on the line of a railroad.

Q. How far were Brooks Brothers from you? A. Four or five blocks.

Nichol, Cowlishaw & Co., they were in the first block? A. Yes, sir.

Q. Well, where did they move? They have gone up Broadway, I think, to about Eighteenth Street.

Q. Do you think they would have stayed in Broadway if there had been a horse railroad. A. I think they would have all stayed if there was a horse railroad there.

Q. You think that all would have stayed if there had been a horse railroad there. A. Yes, sir.

Q. But they have all gone? A. Yes, sir.

226 Q. Do you think a horse railroad would bring them back? A. That I couldn't tell you.

Q. Do you think that it would? A. That I cannot tell you.

Q. Aren't you pretty certain that it would not? A. I am pretty certain the stores that are vacant would be occupied if there was a horse railroad.

Q. And occupied by somebody who is occupying some other store in some other part of the city now and selling goods? A. That I could not tell.

Q. Do you mean that some new person would come there and occupy those stores? A. Very likely.

Q. Then substantially your opinion is that there is a certain part of Broadway where there are now vacant stores which stores would be filled if there was a horse railroad there? A. I think so.

Q. Now, would a horse railroad in your judgment help any part of Broadway below Bleecker Street? A. Would it benefit it?

Q. Yes. A. Below Bleecker?

Q. Yes. A. I think it would be a benefit to the whole length of Broadway.

Q. Do you think it would increase the rents on any part of Broadway below Bleecker Street? A. I don't think it would decrease them.

Q. Do you think it would increase them? A. I cannot tell.

Q. Do you think it would rent any stores that are now unrented below Bleecker Street? A. That I don't know.

Q. Do you think that a railroad on Broadway would bring back any person that has left Broadway and moved further up-town to do business? A. That I cannot tell you.

Q. What effect have the Elevated railroads had on business on Broadway? A. Very beneficial.

Q. In what way? A. By bringing people down from the upper part of the city.

Q. Then the Elevated Roads have helped Broadway rather than hurt it, in your opinion? A. In our neighborhood?

Q. Yes, sir, in your neighborhood. A. Yes, sir; our store and others.

Q. Has the Elevated Road helped all this paralyzed part of Broadway? A. No, it don't reach that part.

Q. How far has the Elevated Road helped Broad-

way? A. Well, I think in our immediate neighborhood we feel the benefit of the Elevated Roads. 229

Q. From Fourteenth Street to what street? A. No, just down our way, from Tenth Street down to Eighth Street.

Q. From Tenth to Eighth you think the Elevated Roads have helped it? A. Yes, sir; and may be lower; I don't know.

Q. Has the Elevated Road hurt any part of Broadway, in your judgment? A. I cannot tell.

Q. Has it, in your judgment? A. I couldn't tell you.

Q. Are there more or less people passing through Broadway now, in your opinion, than there were before the Elevated Roads were built? A. I don't perceive that there is much difference in the number of people—who walk up and down, you mean? 230

Q. Yes. A. I don't perceive that there is much difference.

Q. You don't notice any difference? A. No, sir.

Q. So far as you are concerned, then, Broadway has not been hurt at all by the Elevated Railroads—so far as you have observed—I mean the property of Broadway? A. I think not.

Q. You say that Broadway is the most costly street in the whole world; what do you mean by that? A. Of its length, I think it is the most expensively built.

Q. More valuable property? A. I think so.

Q. More expensively built? A. Yes, sir; more so than Regent Street in London—more so than any street in London of equal length. 231

Q. More so than any street in Paris? A. Yes, sir; I think so.

Q. You are familiar with streets in Europe, aren't you, in large cities? A. Not very.

Q. But as far as you know there is no street in the world that is so costly? A. I think not.

Q. As Broadway is or so valuable? A. I think not.

Q. Are you a naturalized American citizen? A. Yes, sir.

Q. You spoke the other day about a street in Philadelphia on which there was a horse railroad? A. Yes, sir.

Q. Did you refer to Chestnut Street? A. Yes, sir.

Q. Isn't that a single track? A. Yes, sir; but that street is only about half as wide as Broadway.

232 Q. And isn't it true that the amount of travel on Chestnut Street is very small indeed, compared with the amount of travel on Broadway? A. I am not much acquainted with that; I know there are some very large stores on Chestnut Street, some of the largest.

Q. Some of the largest stores in Philadelphia? A. Yes, sir; some of the largest stores in Philadelphia on Chestnut Street.

Q. Now, do you know of any street in the world where there is so much travel on it as there is on Broadway? A. I don't know of any street, that I have known of, where I think there is a greater amount of travel than on Broadway.

Q. Either of foot passengers or of vehicles? A. think not.

233 Q. Do you know of any street in the world in which there is so much heavy trucking as there is on Broadway below Canal Street? A. I couldn't tell.

Q. Do you know any street in any city in the world which is so important to the people of the city as Broadway is to the people of New York? A. No, I think Broadway is of more importance to New Yorkers than any other street of equal size is to any other city.

Q. Well, isn't Broadway more important to people from Brooklyn and to people from Jersey, and to people from all over the United States, than any other street? A. Everybody coming to New York wants to see Broadway.

234 Q. And have an interest in Broadway, and their business is more or less on Broadway? A. I suppose so.

Q. Is there any other city in the world that you know of, Mr. Daniell—because I am examining you now as an Englishman—any other city in the world which has such good facilities as New York has for accommodating its travel? A. Well, you are speaking about European cities, are you not?

Q. I am speaking of any other city in the world. A. Well, it can't be said that Broadway has the facilities that Chestnut Street has.

Q. I am not talking about Broadway; I am talking of any other city. A. I think Broadway has not the same facilities for reaching it as other streets—

Q. You misunderstood me, Mr. Daniell; you

thought my question applied to Broadway ; my question was as to whether you know of any other city in the world where the means of getting to and fro are so convenient as they are in the City of New York to-day ? A. I don't think Broadway is— 235

Q. You again come to Broadway ; I am not asking whether Broadway is a street that has the most conveniences on it, but I am asking you of the city as a city ? A. I don't know of any city where the facilities are so poor for reaching the great artery of the town.

Q. My question is, whether you know of any other city where the facilities for getting to and fro in the city are so good as they are in the City of New York ? A. Than in the City of New York ?

Q. Yes, sir. A. I don't know ; I am not so very familiar with other cities. 236

Q. Then you don't know of any other, do you ? A. No.

*Re-direct by Mr. Scribner :*

Q. Mr. Daniell, won't you tell us again how much of this property that you occupy for the purposes of your store you own on Broadway, and how much of it is leased ? A. It is all leasehold ; we own three of the buildings out of seven.

Q. It is all the property of the Sailors' Snug Harbor ? A. Yes, sir.

Q. And you own the buildings ? A. Yes, sir ; some of them. 237

Q. How many of the buildings do you own ? A. Three.

Q. I think you stated the other day that prior to the inception of this railroad enterprise you had yourself personally conceived the idea of the advantage it would be to Broadway property-owners to have a railroad constructed on Broadway, and carried about a subscription paper to that effect, did you not ? A. No, I wrote to the papers in regard to it six years ago.

Q. Did you also visit and solicit property-owners for their consent ? A. I saw some of the principal property-owners.

Q. I think you said, also, that years ago you were opposed to the construction of a railroad on Broadway ? A. Twenty-five years ago.

Q. Do you know of your own knowledge that

238 other gentlemen like yourself, who years ago were opposed to the construction of a railroad on Broadway, are now anxious to see a railroad built and operated on Broadway?

*Mr. Beaman*: That must be incompetent.

*Commissioner Harris*: That is going a little too far, I think.

*Mr. Scribner*: What is your Honor's ruling?

*Commissioner Harris*: I think that is going a little too far.

Q. Mr. Daniell, at the time when this Eighth Street Railroad was constructed, which runs by your store, about what amount of business per year was your firm doing? A. Well, I should think in the neighborhood of half a million.

Q. Half a million a year? A. Yes, sir.

239 Q. And what amount of business per year is your firm now doing in that same location? A. Nearly three millions.

Q. So that since the inauguration of the Eighth Street Surface Railroad your business has increased 600 per cent.? A. About six-fold; yes, sir.

Q. Has that been a gradual increase; or was that increase speedily noticed and made known to you after the construction of that railroad? A. Well, the increase has been gradual, but we can date the increase of our business—the great increase—from the time that the railroad was built.

240 Q. And that increase is due to the fact that greater facilities are afforded by that railroad for bringing customers to your store? A. Yes, sir; I think so.

Q. You have spoken about the diversion of trade from that part of Broadway where no railroad now exists to the upper part of Broadway, which has the facilities of a street railroad? A. Yes, sir.

Q. Won't you tell us, please, whether twenty years ago there were not a great many retail stores on Broadway south of the place where your store now stands. A. I don't think there were any twenty years ago.

Q. Twenty years ago south of Ninth Street? A. South of Eighth Street.

Q. South of Eighth Street? Where was Lord & Taylor, and Arnold & Constable, and Obsdell & Pierson, and—— A. Oh, that is more than twenty years ago.

Q. All those firms that I have mentioned formerly

had their stores on Broadway, had they not? A. 241  
Yes, sir.

Q. On Broadway, south of the place where your store stands? A. Yes, sir.

Q. And those stores, or those firms, which are now in existence, have all since moved to the upper part of Broadway, have they not, where a railroad exists, and did exist at the time of such removal? A. McCreery is at the corner of Eleventh Street; they moved from down near Grand Street.

Q. You have spoken of the recent removal of Brooks Bros., which you state was occasioned by reason of the fact that there was no railroad on Broadway; where was Brooks Bros.' old store from which they recently removed? A. I think corner of Bond Street.

242

Q. There is no railroad there? A. No, sir.

Q. And Brooks Brothers removed to what point? A. Corner of Twenty-second Street.

Q. Twenty-second Street and Broadway? A. Yes, sir.

Q. And by their door now the railroad of the Broadway and Seventh Avenue Railroad Company passes; does it not? A. Yes, sir.

*By Mr. Beaman:*

Q. Mr. Daniell, you spoke about passing around a subscription paper, or something, some years ago, about a railroad on Broadway; did you do it? A. No, sir.

243

Q. You wrote simply to the newspapers? A. That is all.

Q. Didn't you speak of seeing Mr. Goelet and various other people, and asking them about it? A. Yes, sir.

Q. Did you see them? A. Yes, sir.

Q. Are any of those people now favoring a railroad on Broadway, do you know? A. I couldn't say.

Q. They are not to your knowledge, are they. A. I knew that John Jacob Astor was in favor of it, and Robert Goelet, and the Lorillards, and my old friend Brewster, who died the other day.

Q. That was five or six years ago? A. Six years ago last November.

Q. Do you know whether or not Mr. Goelet has appeared before the Commission and desired to oppose this thing? A. Mr. Robert Goelet?

244 A. Yes, sir. A. He was alive six years ago.

Q. You mean the Robert Goelet, Sr., but I mean the younger Goelets that now represent his estate; do you know whether they have appeared here. A. I don't know anything about that.

Q. Mr. Daniell, have you been applied to to consent to the building of any railroad on Broadway?

A. Yes, sir.

Q. Did you consent? A. I signed a petition for a Broadway railroad connecting with upper Broadway.

Q. When was that? A. I forget.

Q. Was it the same one that is here before the Court? A. A Broadway surface railroad connecting with the upper Broadway road.

245 Q. And you signed the consent? A. I did.

Q. How long ago? A. I forget.

Q. A year ago? A. Perhaps.

*Mr. Scribner*: You may take it as an admission that he has signed our consent.

*Mr. Beaman*: I only want to know the fact whether he has or not.

Q. Have you signed any more than one consent?

A. No, sir, not to my knowledge.

Q. Have you consented to the other road which is sometimes known as the Cable road? A. No, sir.

Q. If you have consented to any road it is what is known as the Jacob Sharp road? A. The horse railroad.

246 Q. The horse railroad? A. Yes, sir, we know what that is; the other we don't know anything about.

Q. And that is the road that you understand is now before this Commission seeking to present its case to the Commission, as you understand. A. Yes, sir; the upper Broadway road.

Q. And that is the same one that you are now testifying in behalf of, as you understand it? A. Yes, sir.

Q. You have stated that twenty years ago or more there were some large dry goods stores—retail dry goods stores—below you? A. Well, I cannot say about twenty years ago; I think Obsdell & Pierson were not in existence; perhaps Lord & Taylor were on the corner of Grand Street.

Q. You opposed the placing of a railway on Broadway thirty years ago? A. About twenty-five or thirty.

Q. There were a large lot of dry goods stores be-



low, on Broadway, then ; was there not ? A. Yes, 247  
sir.

Q. Do you think they would be there to-day if there was a horse railroad on Broadway ? A. Yes, sir ; I have no doubt about it at all.

Q. Where would the business have gone which is now there ? A. That I could not tell you.

Q. You think they would still be there, do you ? A. I think so.

Q. Do you think that Stewart or his representatives would be still selling dry goods on the corner of Chambers Street if there was a horse railroad ?

A. No, sir ; because that is too low down.

Q. Well, where would they have left Broadway ; would there be any retail stores below Canal Street ?

A. I think not.

Q. Do you think that Lord & Taylor's store would 248  
still be on Broadway as a retail dry goods store if there had been a horse railroad upon Broadway ? A. I cannot say.

Q. Now, in your judgment, is the tendency of retail trade up-town ? A. Yes, sir, the general tendency ; yes, sir, the general tendency has been up-town ; but, my dear sir, a great many people who have gone up town have come to grief, and they would have better stayed down town.

Q. Well, they will be coming back and fill these empty stores, perhaps, if they read your testimony and find it is the best place in town. A. I hope so.

Q. You don't object to their coming back ? A. 249  
Oh, no, indeed.

Q. You are not afraid of competition ? A. Not at all.

Q. Now, then, again, isn't it your opinion that the general tendency of the retail business is to go further and further north in this city ? A. Well, I think that has been so, but I think it is rather checked now.

Q. What checked it ? A. By recent circumstances.

Q. Well, what circumstances ? A. Well, as I said before, many of them who have gone up town have come to grief.

Q. Well, who ? A. Well, I don't think it would be proper to mention their names.

Q. Well, I don't want their names ; how far up did they go ? A. Twenty-third Street and Fourteenth Street.

250 Q. Do you think they would have done better to have stayed down town? A. I think so.

Q. Even without any horse railroad? A. Well, I think they would have done as well if they had stayed down town.

Q. Therefore, they made a mistake in moving to where there were horse railroads? A. Well, there were too many uptown.

Q. Too many up town? A. Yes, sir.

Q. And there are too many horse railroads up town as well as too many stores; isn't that so? A. No, that is not it; we can see the benefit of horse railroads up town; look at upper Broadway; that has been converted into a busy scene of activity since the railroad was laid there; before that there were no stores above Madison Square.

251 Q. Well, what people go away up in that country; the people from Brooklyn and Jersey? A. Perhaps so; I don't know.

Q. Well, the horse railroads have built up the upper part of Broadway, and the business is going up town? A. I think it has improved the upper part of Broadway, certainly.

Q. And the wholesale business tendency is up town, isn't it? A. The wholesale?

Q. Yes; and the centre of population of New York is moving up town, isn't it? A. The city is growing up town because there is nowhere else for it to grow.

252 Q. And the facilities to get from Brooklyn to the upper part of the city, and from Jersey City to the upper parts of the city, have been increasing all the time? A. I think they are increasing all the time; yes, sir—all except Broadway.

Q. Now, I neglected, in my first examination, to call your attention to the fact, whether or not, in your judgment, the Elevated Railroad was steadily increasing your business? A. We derive a great advantage from the Elevated Roads on both sides of the city.

Q. Don't you think that either one of the Elevated Roads has as much to do with the increase of your business as the horse railroad passing through Eighth Street? A. Oh, no.

Q. Do you think the horse railroad passing through Eighth Street—? A. I think a horse railroad passing our door would bring more business.

Q. Do you think the horse railroad through Eighth Street has brought more business to your store than both of the Elevated Railroads together? 253

A. That I could not tell; that is a thing you could not go into; we reap benefit from both of them, but not to that extent that we do from the horse railroad passing our door; I am sure of that.

A. L. ASHMAN, called for the petitioner, sworn:

*By Mr. Scribner:*

Q. Mr. Ashman, where do you reside? A. 754 Broadway.

Q. And what is your business, Mr. Ashman? A. Hotel keeper—hotel and restaurant.

Q. And what is the name of your hotel? A. St. Clair House. 254

Q. Where is it located? A. Broadway and Eighth Street.

Q. How much front has it on Broadway? A. Fifty feet.

Q. On what corner of Broadway and Eighth Street is that hotel? A. Southeast corner.

Q. Do you own the hotel, Mr. Ashman? A. I own fifty feet on Broadway.

Q. And do you own the ground as well as the building? No, sir; the Sailors' Snug Harbor owns the ground.

Q. You are one of the tenants of the Sailors' Snug Harbor, and the building is your property? A. Yes, sir. 255

Q. How long have you carried on business at that point, Mr. Ashman? A. Twenty-three years.

Q. How long have you resided in the City of New York, altogether? A. Twenty-five years.

Q. In your opinion, is there any objection to the construction of a railroad on Broadway? A. No, sir.

Q. In your opinion would the construction and operation of a railroad—that is, a street surface railroad, to be operated by horse power—be of advantage to Broadway? A. In our neighborhood, a very great advantage.

Q. Would it, in your opinion, be of advantage to the general public to have a railroad constructed on Broadway? A. Yes, sir.

256 *Cross-examination by Mr. Beaman :*

Q. Did you build the building that you now occupy? A. No, sir.

Q. How long have you been the owner of it? A. I have owned 754 Broadway for about ten years, and 752 Broadway for three years.

Q. Those two numbers together constitute your hotel, the St. Clair House? A. They constitute the Broadway front; I have a rear running through from Eighth Street to Astor Place?

Q. Eighth Street to Astor Place? A. Yes, sir.

Q. How many feet in all does your building occupy? A. It is fifty feet on Broadway—fifty feet by one hundred on Broadway.

Q. And then with this other connection to  
257 Eighth Street? A. With the L on Eighth Street?

Q. How many stories is it? A. Five.

Q. When did the last matter of settling the rent come up? A. Sir?

Q. When was the last rental that you paid to the Sailors' Snug Harbor fixed? A. The last payment?

Q. No; when was the last rental fixed; when was the last lease made? A. I think that was about seven years ago—seven or eight.

Q. When does it come due again? A. In twenty-one years from the last date.

Q. Was the rental increased at that time. A. Yes, sir.

Q. What is the general character of the business  
258 of your house; that is, is it a house where you have transient visitors mostly, or boarders? A. The hotel is for gentlemen principally and almost exclusively; the dining-room is for the guests of the house and the neighborhood.

Q. Has it always been a hotel of that character? A. It has since I have kept it, sir.

Q. And you have kept it twenty-two years? A. Twenty-three years.

Q. Was it a hotel before you kept it? A. Well, it was at that time one building of 25 feet by 100; there was a restaurant, and I have no doubt that the rooms were occupied by guests.

Q. Has the business of the hotel increased since you have had it? A. Yes, sir.

Q. Has it begun to fall off any? A. At certain hours of the day, in the middle of the day, the restaurant business has been falling off.

Q. But has the business as a hotel for a lodging-house fallen off at all? A. No, sir. 259

Q. Has it been increasing from the time you first took it until now? A. Well, it has been filled up to its capacity ever since I have had it.

Q. So that you have no reason to complain, so far as you personally are concerned, of your business? A. Not of the hotel, but of my restaurant I do complain.

Q. But with the hotel you are perfectly satisfied, and you are full? A. Yes, sir.

Q. And have been full for twenty years, more or less? A. Yes, sir.

Q. When you bought this other number—this other lot—three years ago, was the hotel at that time on the lot? A. The hotel occupied everything except the ground floor, which was stores, and occupied it for a great many years. 260

Q. So that what you practically did, then, was not to enlarge the hotel upstairs at all? A. Only to make an office for my hotel.

Q. And you acquired the ownership of the whole property, so far as you hold it under the lease? A. Yes, sir.

Q. Now, then, for twenty years you have been occupying that hotel, and have had it full of guests and of boarders? A. Yes, sir.

Q. Now, is your business mostly with transient people? A. Very largely.

Q. That is, with people that come into town to spend the day? A. For a day or a week or a month. 261

Q. From what part of the country do they come? A. Well, a great many—I have a great country trade—almost exclusively.

Q. People that are coming to buy goods? A. Yes, sir; they come from Texas, Arkansas, Louisiana and Missouri, and along up; and then you come up to New York State and near by, and then over again to the next.

Q. And it is mostly, then, people who come to New York to buy goods? A. Yes, sir.

Q. And to buy goods of wholesale merchants? A. Yes, sir.

Q. Has the character of your business changed much within twenty years? A. No, sir.

Q. You have been practically a buyers' hotel, then, for twenty years? A. Buyers and sellers.

262 Q. Buyers and sellers? A. Yes, sir.

Q. What do you mean by sellers? A. Well, a great many commercial travelers and that class of men stop there.

Q. And you have kept the same kind of a hotel, and have had the same class of customers now for twenty years? A. Yes, sir.

Q. And you are full and have no reason to complain at all? A. Yes, sir.

Q. So far as your night business is concerned, and your general travel, you don't care particularly for a horse railroad? A. Well, I am very nicely situated now, as far as horse railroads are concerned, to get the travel to my house; the travel of Fourth Avenue brings them from the Grand Central Depot, and the Cross-town Line brings them from the Penn-  
263 sylvania ferries and Jersey City ferries.

Q. So you are well situated and have got a good corner? A. Yes, sir.

Q. Do you get them by the Elevated Roads too? A. Well, I am not sure.

Q. Well, how are you for down-town travel from the west and south? A. If you recollect, from the west and south they take the West Street horse-cars to Christopher Street, and come cross-town.

Q. So they get there very easily? A. Yes, sir.

Q. So your hotel is easily enough reached by travelers? A. Yes, sir.

Q. How is your hotel at night for people who want to see the town—go down to the theatres, or  
264 go to church Sundays? A. Well, no doubt favorably located for that.

Q. Couldn't be improved in that regard, could it? A. Well, I find my night trade dropped off very much—that is, for my restaurant and barroom, &c.

Q. At night? A. Yes, sir.

Q. The restaurant business and the night bar is a little off? A. Yes, sir; after eight o'clock it is very quiet.

Q. After dark? A. Yes, sir.

Q. Is Broadway pretty quiet after dark in your neighborhood—comparatively little doing there after dark? A. Comparatively little.

Q. Do you think more people would go down Broadway nights if there was a horse railroad there?

A. That I don't know sir; I am not prepared to say.

Q. Do you think you would sell more liquors

nights if you had a horse railroad on Broadway? 265

A. That I don't know.

Q. Well, is that one of the reasons that you want a road there? A. I want a road to help my neighbors and friends and to keep the business in my vicinity during the day, and be patronized by the merchants, clerks, and the people that are gradually leaving me—my old neighbors.

Q. You want to keep your old neighbors there? A. Yes, sir.

Q. Mr. Daniell and his friends? A. Yes, sir.

Q. Well, do you think that a railroad would help your bar nights—that is what I want to know? A. Well, I don't imagine that it would improve night trade very much.

Q. Do you think that a railroad on Broadway would be used much nights? A. That I cannot say. 266

Q. Do you think it would? A. I don't think anything about it.

Q. Don't you know, as a practical man, that has lived on Broadway for twenty-three years, that the night travel on Broadway has almost left it? A. When the hotels are full below me—the Metropolitan and the Grand Central—and when Harrigan & Hart ran, we had a good deal of night trade, when the hotels were full and the theatre was running; now the theatre has gone, and it is a quiet season around there, and we are very quiet nights; but the theatres below us bring about a good deal of trade, and so do the hotels below us, as people stop in going and coming. 267

Q. But the general situation is, as you find it, that night travel is leaving you because the hotels below you are leaving, and Harrigan & Hart's has burnt up? A. Yes, sir.

Q. That was a good deal of a loss to your business? A. Yes, sir.

Q. Now, do you think, Mr. Ashman, that a railroad on Broadway, at night, if it was put there now, would help your business nights as much as it has hurt your business to have Harrigan & Hart move away there? A. I don't think it would benefit me to that extent.

Q. You don't think so, Mr. Ashman? A. I don't think it would benefit me so much, because what has gone won't return; Harrigan & Hart's won't be rebuilt for a theatre.

Q. You have made up your mind about that? A.

268 Yes, sir; and the St. Nicholas Hotel won't be rebuilt as a hotel.

Q. And the Metropolitan will never be successful as a hotel? A. I think it has been very successful.

Q. You think it has been? A. Yes, sir.

Q. Do you think a railroad upon Broadway would make a hotel where the St. Nicholas was? A. I think it might improve trade if it ran to the depot—both to the Grand Central and the Metropolitan; I don't know where this railroad intends to run.

Q. Would a railroad on Broadway, in your judgment, bring back any hotels there? A. No, sir.

Q. Would it bring back Harrigan & Hart's?

Q. Would it bring back Brooks Brothers? A. I believe, if you will allow me, Judge Hilton intends to build a hotel where Harrigan & Hart's Theatre was burned down.

Q. Do you know whether he is in favor of this railroad or not? A. That I don't know.

Q. You have stated, in effect, Mr. Ashman, that a horse railroad would not help your business nights; well, now, do you think it would help it day-times? A. I think it would have a tendency to have the stores in the neighborhood occupied by tenants that would be patrons of mine.

Q. Do you think people would come down to buy goods—you think people coming down to buy goods and who pass your place might lunch at your restaurant? A. That is the idea.

Q. That is what you are after? A. That is what I am after; I mind my own business.

Q. And you favor this road because you think it would help your lunch business? A. Yes, sir.

Q. Is there any other reason why you favor it? A. That it will help my neighbors, and my neighbors will help me.

Q. Your neighbors help you and you help them? A. Yes, sir.

Q. Whom do you call your neighbors? A. Well, next door to me was Mr. Jessup, who failed and has just gone out—a very large clothing house; that was a door adjoining me, between myself and Astor Place; he has gone out of business; he came there with a very good name, I believe, from down-town, but has not made a success; the same people Mr. Daniell spoke of—the Sloanes, and Brooks', Nicoll, Cowlshaw & Co., Sypher, and a great many others, and a great many retail dealers in that vicinity were



all patrons of mine, and they have all gone away 271  
from me, and all leaving one by one.

Q. You don't expect to get them back? A. I  
suppose if they don't come some other good people  
will; the difficulty is that where they leave they  
leave a vacant place.

Q. And nobody steps in? A. No, sir.

Q. Now, Mr. Ashman, my point is not to get the  
names of your neighbors, but what you call the  
neighborhood that would be helped by a horse rail-  
road in Broadway? A. Well, what I am looking  
to be benefited is from Bleecker Street to Four-  
teenth Street.

Q. Bleecker Street to Fourteenth Street? A.  
Yes, sir.

Q. Would it help any other part of Broadway, in 272  
your judgment? A. I don't know as to that; that  
is beyond my idea of the matter; I know the side  
streets are very much demoralized at present; it  
might benefit them very much.

Q. Now, do you own any other property in Broad-  
way? A. No, sir.

Q. Do you own any other property in the City of  
New York? A. No, sir.

Q. Do you live in your hotel? A. Yes, sir.

Q. Have you given any consent to the placing of  
a railroad on Broadway? A. I have signed the  
petition.

Q. The petition of the railroad that is before this  
Commission. A. That I don't know; I think so; I  
think it was this one. 273

Q. Did you ever oppose a railroad on Broadway?  
A. No, sir.

Q. Does your business take you down town much?  
A. I go to the markets a good deal.

Q. What markets? A. Fulton and Washington.

Q. How do you go there? A. I usually go to  
Fulton Market by the Elevated Road, and very  
often go to Washington Market in the same way, in  
the morning.

Q. Do you use the horse-cars also? A. I gener-  
ally go by Elevated Roads when I go to the market,  
but if I am coming down town I usually come down  
by the Fourth Avenue.

Q. If you were going down to Wall Street, how  
would you go down? A. Probably in a stage.

Q. But if you were going to either of the markets  
you would use the Elevated Roads? A. Yes, sir.

274 Q. Do you have many permanent boarders in your house? A. Very few.

Q. The effect of bringing more business to your bar nights, or more business to your restaurant day-times, would take so much business away from somebody else, wouldn't it? A. I have no doubt it would.

*By Mr. Scribner :*

Q. Mr. Ashman, this Eighth Street road that runs by your house, do you remember about how long ago that was built? A. I think about eight or nine years ago.

Q. Is that an accommodation to the people who patronize your house? A. Yes, sir.

275 Q. An accommodation to yourself? A. Yes, sir.

Q. Would you like to see it taken up? A. No, sir.

JOHN CATTNACH, sworn on behalf of the petitioner, testified as follows :

*By Mr. Scribner :*

Q. Mr. Cattnach, do you reside in the City of New York? A. Yes, sir.

Q. Your business is that of a trunk manufacturer? A. Yes, sir.

Q. How long have you lived in New York, Mr. Cattnach? A. A few months more it will be fifty years.

276 Q. Where, now, is your place of business, Mr. Cattnach? A. 736 Broadway.

Q. That is in the vicinity of what street? A. It is between Astor Place and Fourth Street, nearly opposite Waverly Place.

Q. Do you own the store in which you do business? A. No, sir.

Q. By whom is it owned? A. It belongs to the Hamersley estate; the will is being contested; Mr. Hamersley died about a year ago, and the will is being contested.

Q. Do you own any real estate on Broadway, Mr. Cattnach? A. No, sir.

Q. Are you the owner of any real estate in the city? A. No, sir; I am not, in this city.

Q. How long have you carried on business where your store is now situated? A. Twelve years.

Q. Previous to that, where was your place of

business? A. I was for thirty-five years on the corner of Broadway and Wall Street, and for some years previous to going up where I am now I had a branch under the Metropolitan Hotel, 592 Broadway; twelve years ago I put them all into one. 277

Q. Then you have been familiar with Broadway as a street of the city for more than thirty-five years. A. I have been in business forty-six years on my own account, and a clerk for four years previous to that for another party.

Q. And all that time you have been familiar with Broadway as a street and highway of the City of New York? A. Yes, sir.

Q. Now, will you please tell us, Mr. Cattnach, your opinion as to whether a railroad on Broadway, between the Battery and Union Square, would be an advantage or a detriment to the people at large—the general public? A. Well, I think that a railroad between the Battery and Union Square would be better than none at all, but we ought to have one to go further up, I think. 278

Q. Well, I am speaking of a railroad between the Battery and Union Square, there to connect with the present existing railroad of the Broadway and Seventh Avenue Railroad Company running to Central Park; would a railroad between the Battery and Union Square, connecting with the existing tracks in Union Square which reach Central Park, be of advantage or detriment to the city? A. I think it would be a great advantage indeed to the neighborhood that I am in and to the whole city. 279

Q. Now, won't you please, as an old resident of fifty years in New York, Mr. Cattnach, give the Commission the reasons for the formation of the opinion that you have expressed that a railroad on Broadway would be an advantage to the general public? A. Well, sir, we see New York has extended up a great ways; when I came to New York the population was only about three hundred thousand; it is now over a million; the city has extended way up town; people want facilities for getting down; our business comes from way up, and it is nothing now for a person to come in my store and say, "I am in Seventy-ninth Street," and when they come down, "Well, I have not been down town so long;" they call that down town; we want better facilities for people coming down; it would increase the business very much, and would

280 increase the value of real estate ; my own property. that I occupy, don't pay as much as it did when I first went there.

Q. You don't pay as much as when you first went there? A. I paid \$6,500 when I went there, and now I pay \$5,400.

Q. And would you be willing to pay a larger rent if the facilities for reaching your business would be increased by the construction and operation of a railroad on Broadway? A. I would be willing to do it, and I think I could well afford to do it.

*Cross-examination by Mr. Beaman :*

Q. Where do you live, Mr. Cattnach? A. 331 West Forty-fifth Street.

281 Q. How long have you lived there? A. I removed from Brooklyn about eighteen months ago ; I lived in Brooklyn thirty-eight years, and returned to New York about a year and a half ago.

Q. Mr. Cattnach, when you lived in Brooklyn, how did you use to reach your store—the last part of the time? A. Well, the last part of the time I had a long ride from Fulton Street, Brooklyn, and then I had to ride up.

Q. How? A. By stages ; I preferred the stages to the other roads.

Q. Why? A. Well, it brought me to my door ; it brought me to the ferry and it brought me to my door ; no walking.

282 Q. You preferred that? A. Yes, sir.

Q. How was it as to time ; did it take you longer? A. Yes, sir ; takes longer.

Q. Now, since you are up in Forty-fifth Street, how do you get to your store? A. I go to the corner of Broadway and Forty-fifth Street, and get into a car and ride down University Place to Waverly Place, which is exactly opposite my store ; on a stormy day I ride down Eighth Avenue to Twenty-third Street, and then get in a stage.

Q. Have you any store at all, or any business, above 736 Broadway? A. I have a store there.

Q. Have you any above that—further up town? A. No, sir.

Q. When did you move from Wall street—when did you leave Wall street? A. Twelve years ago ; it will be twelve years next month.

Q. Where were you in Wall street? A. Broadway and Wall Street.

Q. Where there has recently been a trunk store? 283

A. Yes, sir.

Q. How many years had you been there? A. Thirty-five years.

Q. Where did you move from there? A. I moved to the store that I am now in; but for some years I had a branch up town.

Q. Branch under the Metropolitan? A. Yes, sir; 592 Broadway

Q. How many years had you had that branch? A. Oh, eight or ten years.

Q. Why did you open that branch? A. Because people grumbled about coming down town.

Q. Down to Wall Street? A. Yes, sir; we had a great deal to do with ladies, and they did not want to bring a private carriage down, and the facilities for getting down were bad, and I found my business leaving me on that account. 284

Q. You found your business at Wall Street leaving you? A. Yes, sir.

Q. Not because you made any inferior goods, or kept any poorer goods, but because people were moving further up? A. Yes, sir; because people were moving further up.

Q. And then you moved up to the Metropolitan Hotel? A. Yes, sir.

Q. And had a branch there? A. Yes, sir.

Q. And the Metropolitan Hotel, I suppose, at that time seemed to you far enough up town? A. Well, it did; it seemed further up town then than it does now, a good deal. 285

Q. And you stayed there awhile and then you gave that up, and moved to where you are now? A. Yes, sir.

Q. Why did you do that; why did you move up? A. To be nearer my customers, and to be nearer the hotels; we do a good deal of hotel trade.

Q. You found your customers moving away from you, and the hotels moving away from you? A. Yes, sir.

Q. And you have been there how long? A. Twelve years next month.

Q. And what do you find is the trouble with the customers now; the customers independent of the hotels? A. They grumble about coming down.

Q. They are going up still further? A. Yes, sir; and want better facilities for coming down.

Q. And things seem to be moving away from you

286 again, and you don't want to move again? A. No, sir; I don't want to move.

Q. Have you contemplated the question of moving? A. Well, I have thought about it.

Q. Have you tried to rent any buildings anywhere else, or looked at them? A. No, sir; there have been real estate men to see me about buildings.

Q. Real estate men have been to you? A. Yes, sir.

Q. Have you got anybody looking out for a new place? A. No, sir; they will look out for me without my employing them.

Q. Now, Mr. Cattnach, if you were going to locate your business exactly where you would like to locate it to-day, where would you locate it? A. I would locate it between Madison Square and Union Square.

Q. Somewhere in that vicinity? A. Yes, sir.

Q. Why? A. Because it is very easy of access—easy to get down there between Twenty-third Street and Fourteenth Street, and we have a good deal to do with ladies, and there is where ladies come shopping, and lawyers and bankers in Wall Street leave their wives there to do the shopping; they leave it to the ladies.

Q. Then you want your business to be where the ladies are, or where they can get to you? A. We want to be in a prominent place.

Q. Well, then, Mr. Cattnach, you would rather be up there than to be even where you are now if there was a horse railroad down Broadway? A. Well, I think we cannot all be there; it is very much crowded in there, and we would like to remain; I manufacture in the same building, and am very nicely located; but I don't want my customers to leave because I am a little too far down town.

Q. Do they speak of your being a little too far down town now? A. A lady drove up the other day with a bill in her hand, and said, "I would have paid this long ago, but I have not been down town;" and I told her I thought I was very far up town, and all that has an effect.

Q. She thought you was a good ways down? (No response.)

Q. Well, you are a good ways down, aren't you? A. Well, it is down considerably.

Q. Don't you think you are as far down town relatively as the corner of Wall Street was when

you first began business there? A. Oh, yes, sir; 289  
New York was not much above Chambers Street;  
the Globe Hotel, and all the hotels were right  
around there; things have very much changed in  
my time, sir.

Q. And don't you think you are as far down  
town as you were when you were at the Metropol-  
itan Hotel? A. Not quite.

Q. Don't you think you are as much down town  
as you would be on the corner of Twenty-first Street  
and Broadway thirty years from now? A. It is  
hard to tell what will take place in that time.

Q. Do you know practically of any retail business  
that has not moved up-town? A. Daniell, here, is  
a great help to me; there a few around, but very  
many of the old people who were around me—retail 290  
businesses have gone up.

Q. Do you expect that those men would come  
back if a horse railroad was put upon Broadway?  
A. I don't think any would come back, but I do  
think that the stores that are unoccupied there  
now would be occupied.

Q. They would be occupied? A. Yes, sir; I think  
so.

Q. You wouldn't go back to the corner of Wall  
Street if there was a railroad on Broadway. A. No,  
sir.

Q. And you wouldn't go back to the Metropolitan  
Hotel if there was a railroad on Broadway? A. No;  
but it would be a better location with a railroad  
than it would be without it. 291

Q. Now, what part of Broadway do you think  
would be benefited, so far as the tenants and the  
owners of stores are concerned, by having a horse  
railroad there? A. Particularly those from Union  
Square down to Canal Street; but I think it would  
be a facility; it would give the merchants even up-  
town, and their clerks, and everybody facilities for  
getting to their business that they would very much  
like; it would be advantageous to them all.

Q. You think it would improve the rental value  
of property between Canal Street and Union Square?  
A. Yes, sir, I do.

Q. Why? A. Because the places would be occu-  
pied; a gentleman told me the other day that he  
counted forty-two empty stores on Broadway; I  
have never seen so many except just when the war  
was commencing; I think they would be occupied.

292 Q. Has the Elevated Railroad affected the business of Broadway—that is, Broadway between Canal and Union Square—in your judgment? A. Well, that is a subject I have often heard referred to; the stages seem to be as full as usual, but we find gentlemen who say, “I have not been in this neighborhood for months; I go on the elevated roads, and ride up and down town, and I have not been here for months.”

Q. In your judgment, has it affected your personal business? A. I cannot say that it has, but I always have that impression though.

Q. Has your business been falling off at all within five years? A. It was increasing up to 1881, and since that there has been a decline, especially this last year, for which there are very good reasons; the business of the country is not as large, and not as profitable.

293 Q. Is there any part of the falling off of your business that you can attribute to the fact that there is no horse railroad on Broadway? A. Well, I think that people would have come down if there had been one, that there would have been more people coming down, and that they would rather come down than to go into a shop somewhere up-town.

Q. The effect of your getting trade in that way would be to take the trade away, I suppose, from other dealers in trunks in other parts of the city? A. Yes, sir; and people might come down without intending to buy, if there were facilities for coming down, and other stores around us that are now closed; but we might get trade in that way, with better facilities.

294 Q. Now, what effect do you think a horse railroad would have on Broadway below Canal Street? A. I think the inconvenience that we find here by the blockades, &c., would disappear.

Q. You find here that inconvenience? A. We find here objections on that ground, but I don't think there is much in them.

Q. You spend much of your time in your own store? A. Yes, sir; a good deal.

Q. Do you go down town often? A. Three or four times a week,

Q. How do you go down. A. I ride down in a stage when I go to the bank in Wall Street, for instance.

Q. Take a stage? A. Most of the time.



Q. Now, isn't it the fact that Broadway is often 295  
blockaded? A. Yes, sir.

Q. What time of day? A. Mostly about 11 or 12  
o'clock, I think.

Q. Where is the worst part of Broadway as far as  
blockades are concerned? A. From Canal Street  
down.

Q. Canal to Wall Street? A. Canal to Wall ;  
yes, sir.

Q. That is the fullest part of Broadway? A. Yes,  
sir.

Q. What kind of travel do you find in that part  
of the street as you are riding down? A. Trucks ;  
it is filled with trucks a great deal—trucks and  
stages ; there are few private carriages that come  
down.

Q. At that time of day? A. Yes, sir. 296

Q. Now, where are those trucks going; down town  
or up town? A. Well, both ways.

Q. And to where? A. To the railroad depots or  
steamboats.

Q. Isn't Broadway between Canal Street and Wall  
Street substantially the thoroughfare of all the  
trucking of the city? A. Not all ; a great deal of  
business goes down the west side streets.

Q. I understand that of the business going north  
of Canal Street? A. I think that it has always been  
a great disadvantage to New York that they have  
not taken some other street ; people ought to have  
more interest in Broadway than to crowd it with  
trucks ; and I notice in the streets of Europe that 297  
they don't do that as much.

Q. You think it is a disadvantage to New York  
that the trucks do go on Broadway? A. Yes, sir.

Q. But they do go? A. Yes, sir.

Q. Is there any other street that is so convenient  
for them to go up and down? A. South Fifth  
Avenue, I suppose, would take away a great deal  
of it.

Q. Was that widened with that view? A. Yes,  
sir.

Q. How far was that widened? A. From Wash-  
ington Square down to Canal Street.

Q. But not below that? A. Well, that was wid-  
ened some years previous.

Q. Well, that relieved Broadway some? A. Yes,  
sir.

298 . Q. But Broadway is still crowded? A. Very much.

Q. Do you find Broadway as crowded as ever? A. Well, I can see a very little difference.

Q. What time of the year is Broadway the most crowded? A. Spring and Fall, when the wholesale business is the briskest.

Q. Having been on Broadway a long time, of course you have seen it in Winter? A. Yes, sir.

Q. What is the condition of Broadway in Winter, when there is snow on the ground, as to travel? A. Well, of late years it has been very much cleared; it used to be pretty bad when we used to pile the snow up on the sides of the streets, and leave it there for months; but it is cleared away now, and  
299 it, as they do now, there is no more interruption than ordinarily.

Q. And when there is no snow there, of course it is just as good as it was before it snowed; that is your idea? A. Yes, sir.

Q. And when there is snow there, what is the situation? A. The situation makes it worse for going for horses and trucks.

Q. And makes the crowd greater, in Broadway greater too; doesn't it? A. I don't know about that.

Q. Now, isn't it the fact, Mr. Cattnach, that in the other streets parallel with Broadway in which there are cars, that when there is a snow to any considerable depth, there is no traveling practicable, except in the car tracks; isn't that the fact? A. Yes,  
300 sir; that is so.

Q. And doesn't that result in attracting a great deal of travel to Broadway, which would otherwise be on the side streets? A. Undoubtedly it does.

Q. Therefore, Broadway in the Winter time when there is snow on the ground, is much more crowded than at any other time, isn't it? A. Well, if the weather is very bad they don't do carting as much.

Q. Supposing it was a day when people were traveling up and down, the tendency of a Winter with snow on the ground is to drive travel to Broadway instead of to the side streets? A. Yes; sir.

Q. And if in Winter Broadway is more crowded

than at other times when there is no snow, of course 301  
the travel is worse? A. Yes, sir.

Q. Now, so far as you know, what is the effect upon a street by having horse-cars in it, so far as the accumulation of snow is concerned alongside of the tracks? A. Well, in a narrow street it puts people to some inconvenience, like in Church Street; but I think the way Broadway is cleaned now (and it ought to be cleaned much better), that there wouldn't be much of any obstruction there.

Q. That is, you think it would not collect? A. No.

Q. But isn't the tendency of horse-cars on streets, so far as you have ever seen them running, to take the snow from the tracks and pile it on the sides of the streets? A. Yes, sir.

Q. And if that was the operation of a railroad in Broadway, wouldn't it make Broadway a great deal 302  
worse when there is snow on the ground than at any other time? A. Of course it would, if the snow remained there, because the carriage-way would be narrowed.

Q. Do you own any other property in Broadway—oh, you don't own this building? A. No, sir.

Q. Do you own any other property in New York at all? A. No, sir.

Q. How long a lease have you of these premises that you occupy? A. I think it is only one year from May.

Q. When did that lease begin? A. The last, I think, was four years ago; I have had two or three leases during the last two or three years; the first 303  
lease was for three years and three months.

Q. What was the first rent you paid? A. \$6,500.

Q. And then it went down? A. Yes, sir; there were one or two years during the panic times that I got it for \$4,000.

Q. Have you had the same amount of room at all times? A. Yes, sir; I have the whole building.

Q. Do you occupy the whole of it? A. I rent out one floor.

Q. Is that rented? A. Yes, sir.

Q. What business? A. Photograph materials.

Q. I was asking you, Mr. Cattnach, in what way, in your judgment, the most of your customers come and go from your store? A. Well, we cannot always tell how they come; sometimes there are three or four private carriages at the door; we have people from Jersey that come up from the ferry by the

304 Eighth Street road, and have things sent down to the ferry to meet them going home, and that is the only way that we can judge; but I think that the University Place cars bring some.

Q. Isn't it true that most of your customers are customers that have been your customers for a long time? A. Yes, sir; and their children and their grandchildren; though I have lost some of them, I know; I do not keep them all.

Q. No; but you keep the most of them; you have the grandchildren whose grandfather's trunks you made, patronize you? A. Yes, sir.

Q. Have you many transient customers? A. Considerable; there are hotels in the vicinity, from where we get transient people.

305 Q. And the location of hotels to a considerable extent affects your transient business? A. Yes, sir.

Q. That is, you have found when you were near hotels people run out from hotels and trade with you? A. Yes, sir.

Q. You are not well situated now as far as hotels are concerned? Not so well, but still there are some there.

Q. Has the general character of your business changed at all since you have been in 736 Broadway? A. I don't get so much transient trade as I once did.

306 Q. Isn't that, in your judgment, because the hotels are not near your store? A. Yes, sir; and then there is not the attraction around stores to bring the people down shopping that there was once.

Q. Generally people are not down in that part of Broadway looking around for other goods, and so they do not pass your store? A. Yes, sir; I could mention many names that were there twelve years ago when I went there—first-class retail business houses—that are not there now, but that have gone further up.

Q. I think I asked you whether in your opinion those gentlemen that had moved up town with their stores would return, if there was a horse railroad, and I think you said you thought they would not, but you thought the houses might be filled by other stores? A. Yes, sir.

Q. The only effect, so far as the city is concerned, and the public is concerned, as I understand you, by having a railroad on Broadway, would be that it

would enable people to come down Broadway and buy goods of Broadway merchants instead of buying them, as they do now, of other merchants. A. Yes, sir; and it might induce people to buy that would not buy at all—people coming to New York. 307

Q. That might not buy anywheres in New York? A. Yes, sir.

Q. That might buy in some other city? A. Yes, sir.

Q. But the main advantage would be that they would buy from the Broadway people instead of from the Sixth Avenue people or the up-town people? A. Yes, sir.

Q. That is as you understand it? A. Yes, sir; and that is what we want.

Q. That is what you want and people in the neighborhood want? A. Yes, sir. 308

Q. And that is what you are after? A. Yes, sir.

Q. And that is what you are all here for testifying? A. For myself I can speak, that I have always taken a great interest in the City of New York, and I think that that railroad would be a great improvement, and I think those that are opposing it are opposing a much-needed improvement.

Q. But the people that need it most are you people on Broadway? A. And people up-town.

Q. Do they need it for anything except to go down to where you are? A. Well, they want to go down for different reasons.

Q. And go to you instead of buying their trunks somewhere else? A. That would be very desirable, 309  
sir.

*By Mr. Scribner :*

Q. Mr. Cattnach, when you go down to Wall Street to your bank, wouldn't it be more convenient and more desirable for you to go down in a horse-car than in an omnibus? A. I would prefer it very much.

Q. You would prefer it very much? A. Yes, sir.

Q. And so would people generally; would they not? A. I think so.

Q. Now, do you think that the danger of blockades in Broadway would be increased or lessened by the construction of a railroad? A. Rather lessened than anything, because the cars would be confined to the middle of the street.

Q. Construct a railroad and remove the stages and

310 you would remove a great cause of the blockades; would you not? A. Yes, sir.

Q. Now, this Eighth Street road that you speak of, has that been of public advantage to the people in your neighborhood? A. I think it has been.

Q. You say you have taken a great interest in the growth and progress of the city? A. Yes, sir.

Q. Has not the city been materially improved, and the advantage of the public increased by the construction of street railroads wherever they have gone? A. I think so.

*By Mr. Beaman:*

Q. Do you own horses and carriages? A. No, sir.

311 Q. Have you ever? A. No, sir.

Q. Have you ever driven much up and down Broadway? A. No, I have driven when I lived in Brooklyn, driven from Brooklyn to Central Park, up Broadway.

Q. Do you know how wide Broadway is where you are? A. I do not.

Do you know how much room there would be occupied by the two car tracks? A. I can judge by seeing; I could not tell the number of feet.

Q. Do you think there would be room on either side of the car-tracks for more than a single wagon to pass? A. I think there would.

312 Q. And what you have testified to has been on the basis that there would be room for two wagons to pass on each side of the track? A. I have never taken that into consideration.

Q. Never have taken that into consideration at all? A. It appears to me that there would be.

Q. That is the best of your judgment, that there would be room on each side of the track for two wagons to pass abreast? A. I think I have seen that done in streets that there was a horse-road upon, and I think—

Q. And what you have testified to about horse cars being better than omnibuses is based upon that assumption, isn't it, as far as you understand it? A. It is based on the fact that it is more comfortable to ride in horse-cars and pleasanter to get out and in; and I would suggest that I am not interested in any road, but if you would put on cars on Broadway such as we find in Chestnut Street, Philadelphia, or half as good as that—palace cars—and charge from

six to eight cents, and in the others charge five, I think it would be a grand thing for New York. 313

Q. You want something aristocratic? A. I am not aristocratic at all, but I would rather pay ten cents to ride in a nice car than in another one.

Q. Now, then, I am not talking about the pleasure of riding in a car, I am talking on the question as to which you were asked whether or not you thought there would be more blockades with horse-cars than with omnibuses, and you stated you did not think there would be; now I ask you if you think there would be room enough on each side of the track for two wagons to pass abreast, and you say you think there would be. A. I think there would be.

Q. Now, if you should find out that there was not, wouldn't that materially change your opinion? A. No; I don't think that it would; there is Broadway above Union Square, about Eighteenth and Nineteenth Streets, where it is much narrower, and I see carriages passing there without any inconvenience. 314

Q. Do you mean to say that you saw two pass abreast? A. I never paid any particular attention to that.

Q. Don't you know that the amount of travel between Union Square and Madison Square is a great deal less than it is between Canal Street and Wall Street? A. Yes, sir.

Q. And don't you know that the character of the travel is very different? A. Yes, sir.

Q. Don't you know that in the lower part of the city that these trucks are so loaded that the load very often projects beyond the wheels? A. Yes, sir. 315

Q. And that the general situation down there is that there is a blockade there, as you see when you go down town? A. Yes, sir.

Q. And you have never seen those blockades above Union Square; isn't it unfair—not that you intend anything unfair—but, really, isn't it unfair to compare Broadway above Fourteenth Street with Broadway below Canal Street? A. I only spoke of it with regard to two carriages passing each other.

Q. You never saw two carriages pass each other on Broadway, above Fourteenth Street, except at the square; is it your idea that two carriages can pass abreast there between the track and the curb?

316 A. I have not taken that into consideration, but I will watch and see.

Q. Now, is it your idea that a cart could back up against the curb down on Broadway, below Canal Street, without having the cart project beyond what is to be the proposed line of this railroad track? A. I think that trucks or carts could be backed up and the horse pulled sideways without any inconvenience and leave plenty of room for the cars.

Q. That is, as you understand it? A. Yes, sir.

Q. Now, if you would find that that couldn't be done, then you would be of a different opinion in regard to the matter? A. Yes, sir.

317 Q. Why would you be of a different opinion? A. I would be of a different opinion because it would be hard for a merchant to move his goods, as he couldn't cart his things backward and forward so well.

Q. And it would cause a good deal of blockading, wouldn't it? A. Yes, sir.

Q. And such a situation as that would be a great deal worse than omnibuses, so far as blockading was concerned? A. Well, the cars could not run from side to side as omnibuses do and block up here and there.

Q. If you are blocked up you don't care very much what kind of a car you are in if you want to go down to Wall Street and back? A. I would rather be in a good car than in a poor one.

318 Q. But you would want to get through; that is what you would want? A. Yes, sir.

Q. Then you don't know, or have not considered, rather, about how these tracks will be on Broadway? A. Well, I have thought a great deal on the subject, and have thought that they would not be much obstruction.

Q. But you thought so on general principles, simply because you have not seen them so on upper Broadway? A. I have often heard that objection made, but I do not think there is much in it.

Q. Do you know whether Broadway is wider where you are than it is between Fulton Street and Wall Street? A. Yes, sir; I think it is wider.

Q. Wider where you are? A. Yes, sir.

Q. Don't you know that the most crowded part of Broadway in busy times is between Fulton and Wall Streets? A. Yes, sir.

Q. That is, the most crowded part is in the narrow-



est part of Broadway, isn't it? A. If it is the narrowest part, which I think it is at about Cortlandt Street, it is the most crowded part. 319

Q. Don't you know that in that part of Broadway the streets are very much blockaded by the fact that there is a great deal of cross-travel there of teams? A. Yes, sir.

Q. And that they get stuck in that way very considerably? A. I have seen that.

JOHN C. CAMPBELL, sworn for the petitioner, testified as follows :

*By Mr. Scribner :*

Q. Mr. Campbell, where do you reside? A. I live in New York. 320

Q. Well, what part of New York? A. I am living now up at One Hundred and Twenty-second Street, between Sixth and Seventh Avenues.

Q. How long have you resided in New York, Mr. Campbell? A. Well, since I have been away from here—I came back here about 18 years ago, 17 or 18—I have lived here off and on, being an engineer, since 1838; I came here in 1838, and my headquarters have always been here.

Q. Your headquarters have been in New York for how many years altogether then? A. About 45 years.

Q. During all that time you have been familiar with the street known as Broadway in this city? A. Yes, sir. 321

Q. You were connected with the Department of Public Works for a number of years, were you not, Mr. Campbell? A. Yes, sir.

Q. What was your position in the Department of Public Works? A. Well, I was, first, principal assistant, and afterwards chief engineer of the department.

Q. Your business is that of a civil engineer, is it not? A. Yes, sir.

Q. You are familiar with what is underneath the surface of Broadway as well as what is on the surface, are you not? A. Yes, sir.

Q. From your forty-five years' acquaintance with the street known as Broadway, will you please state to the Commissioners whether, in your opinion, there is any reasonable or practical

322 objection to the construction of a surface railroad on Broadway, to be operated by horse power? A. I do not think there is anything objectionable in it; I think it would be rather an advantage now.

Q. There certainly are no engineering difficulties to overcome? A. No, sir.

Q. In the construction and operation of a railroad on the surface? A. No, sir; not on the surface.

Q. Broadway, generally, between the Battery and Union Square, is of sufficient width to admit of the construction and operation of a railroad with double tracks, is it not? A. Yes, sir.

Q. And that, too, without any serious interference with the ordinary traffic on the street? A. I do not think it would interfere much; I think it would  
323 remove some of the obstructions that are there now, so that a railroad would really be rather a benefit, as persons could get up and down much more easily than they can now.

Q. Won't you explain that a little more fully, Mr. Campbell? A. Well, so much business collects on Broadway, and the omnibuses going from one side of the street to the other, and the teams driving across them, block up the whole road; other teams coming across from the cross streets cannot cross it, and they get all blocked together; whereas, if there was a railroad that would be obviated after a little, as teams would learn to follow the track and the cars along upon each side of the street, going up and down, so that there would not be anything like  
324 as much obstruction as there is now, and thus blockades would be, many of them, reduced.

Q. In other words, if the traffic that is now conducted in the stages was carried on by street-cars confined to iron tracks, it would promote rather than retard other travel on Broadway? A. I think it would, sir.

Q. How about the construction, Mr. Campbell, of a cable road in Broadway; you are familiar with cable roads, are you not; at all events you have seen this one operated in Tenth Avenue, have you not? A. Yes, sir.

Q. You know what is required; the trenches that are required to be excavated for the construction of a cable railroad? A. Yes, sir.

Q. Would the excavation of such trenches for the construction of a cable road interfere with the water-pipes and sewer-pipes, and the gas pipes

that are underneath the surface of Broadway ; the excavation, as I understand it, for the construction of a cable road on Broadway—two trenches would be required to be excavated of about four feet in depth, and about four feet in width, throughout the entire length of Broadway? A. Yes, sir. 325

Q. Wouldn't the excavation of such trenches have a tendency to interfere with a variety of pipes that lie underneath the surface of Broadway, such as steam-pipes, water-pipes, and things of that kind—and telegraph wires? A. It would, in clearing that space down; yes, sir, to a certain extent.

Q. Whereabouts is there the greatest collection of pipes underneath the surface of Broadway? A. Well, I think the nearest below here is between the north side of the Post Office and Wall Street. 326

Q. Won't you tell the Commissioners what pipes are underneath the surface at these different points, and about how they are located with reference to the surface, and with reference to the lines of the carriage-way? A. Well, the nearest to the surface of the street, perhaps, are the gas-pipes—the main gas-pipes—going up and down the streets.

*Commissioner Harris:* Are those in the centre or on the side? A. Both sides; some are in the centre; I don't know that they are right in the centre; they are on the side; then there are the water-pipes, the top of which is laid four feet below the surface of the street, and there is one main pipe in the centre of the street, and on each side is a pipe for distribution; then between the water-pipes and the sewer down below, low enough to pass under the water-pipes, comes the steam-heating arrangement; the steam-heating pipes are laid low enough, so that the branches may pass through between the sewer and water pipes. 327

Q. In addition to these pipes that are underneath the surface of Broadway, running lengthwise with Broadway, there are at each intersecting street other pipes that cross Broadway, are there not? A. At most of the intersecting streets there are pipes coming to and connecting with Broadway, but not all crossing Broadway.

Q. All these pipes would be liable to be interfered with by the excavations required for the construction of a cable road, would they not, or many of them? A. There wouldn't be so much interference—they would be interfered with to a cer-

328 tain extent ; I should state also that there are pipes laid for the transmission of telegraph messages—tubes.

Q. And how near to the surface do they lie ? A. They lie about three feet from the surface.

Q. And how do they lie with reference to the curbstones on either side ? A. Well, I think they vary ; I think the only place that I recollect now they are perhaps seven or eight feet from the curb.

Q. The substratum of Broadway is pretty thoroughly filled up with these pipes that you speak of, is it not ? A. Yes, sir.

329 Q. About the sewers between Union Square and the Battery, what is the character of the sewers in Broadway, and where are they located ? A. They are brick sewers, and usually located in the centre of the street, about near the centre, and the inside of the bottom of the sewer, wherever the ground is high enough, is down 13 feet.

Q. Is the sewer a brick sewer all the way from the Battery to Union Square ? A. I think it is.

330 Q. The construction of a cable road in Broadway, between the Battery and Union Square, would it not interfere materially with the Department of Public Works in getting at those various pipes that are laid for public use underneath the surface of the street, when repairs are necessary, or for any purpose of that kind ? A. I do not suppose the Department, if there was any trouble about it, would do otherwise than compel them to pay them the expense of moving the pipes out of the way, if it would interfere with any connections across the street of the masonry, &c.

Q. Is not the collection of pipes, Mr. Campbell, underneath the surface of the street so great in Broadway, between the Battery and Union Square, as to make it extremely doubtful whether room could be found for two trenches four feet in width and four feet in depth throughout that distance ? A. Could not without very much interference with pipes ; the pipes would have to be removed.

Q. And that would create a great deal of difficulty and a great deal of expense ? A. Yes, sir.

*Cross-examination by Mr. Beaman :*

Q. Are you practicing your profession now, Mr. Campbell ? A. Yes, sir.

Q. How long have you practiced it in connection

with the city? A. Well, sir; I think I was in the 331  
service of the city for about fifteen or sixteen years.

Q. During what years, Mr. Campbell? A. Well,  
sir; I was about six years, when I first came here  
to New York, on the construction of the Croton  
Aqueduct.

Q. That was in what time? A. 1838 to 1843; I  
was here from the early spring of 1838, through  
1843, continuously, on building the aqueduct.

Q. And then after that, Mr. Campbell? A. After  
that I have been traveling all over the world.

Q. Then when did you get into the employ of the  
city? A. I got into the employ of the city in 1870,  
and resigned in 1881.

Q. What position did you occupy? A. At last?

Q. Yes. A. I was there as principal assistant to 332  
Mr. Tracy; when Mr. Tracy came in as chief  
engineer of the Department I came in as assistant.

Q. He was the Chief Engineer of the Department  
of Public Works and you were his assistant? A.  
Yes, sir; and after his death I was Chief.

Q. Now, what were your duties during the time  
you were employed there as assistant to Mr. Tracy,  
or as Chief? A. Well, in looking after the ques-  
tions of the Croton Aqueduct, getting the supply  
and bringing the water to the city and distributing  
it, laying pipes all over the city, and all the other  
things in relation to sewers; I had supervision of  
those.

Q. Your business, then, related, so far as it has  
been connected with the city, to the water supply? 333  
A. To the water supply mainly—taking it in and  
distributing it.

Q. Where lies the main pipe for distributing  
water in the City of New York below Union Square;  
does it run down Broadway? A. Yes, sir; there  
are two pipes, three feet in diameter that come down  
Fifth Avenue to Broadway; down Fifth Avenue to  
the lower end of Union Square, one then continues  
across Fourteenth Street east, and the other comes  
down Broadway; comes down in a three foot pipe  
about the centre of the street, down to Houston  
Street, and from there down, I think, to Fulton  
Street, it is reduced to thirty inches, and then below  
it goes down to twenty-four, and afterwards, at the  
lower end, down at Whitehall street, I think it is  
twenty inches in diameter.

Q. Mr. Campbell, you will excuse me; I have no

334 doubt that my friend thinks that your testimony in this regard is important, and I fail myself to hear some of it; of course, we don't want in any way to incommode you to speak louder, but we desire that it should be done, so you will excuse me if I have the last answer read, because I certainly did not catch it myself.

(Last answer read by the stenographer.)

*The Witness:* I will state that down at Fulton Street the main water-pipe there is very near the east side curb—the curb on the east side.

Q. Now, is this water-pipe in the centre of Broadway—most of it? A. It comes down near the centre of Broadway clear down to Canal Street, and then I think down to Pearl Street, and then from there  
335 down, I say, down at Fulton Street—

Q. From Pearl to Fulton? A. Well, at Fulton I say it is very near the east curb.

Q. Well, how is it from Pearl to Fulton? A. Well, that we cannot tell as to where it is laid along at the different points, except by going over the line.

Q. On which side of the middle of the street is it between Pearl and Fulton? A. East side.

Q. How near the curb? A. Well, I cannot tell you; up near Pearl I say it is very near the centre of the street, and down at Fulton it is near the east side.

Q. Does it go down diagonally? A. That I cannot tell exactly; it was laid over forty years ago.

336 Q. And you have forgotten? A. I didn't see it laid.

Q. I thought you had maps? A. Well, maps are not very correct in the lower part of the city.

Q. How is it from Fulton down to the Battery? A. My impression is it is very near the centre, but I am not certain.

Q. Then if I understand you there is a continuous water-pipe running up and down Broadway, from Union Square to the Battery? A. Yes, sir.

Q. And mostly in the centre of the street? A. Yes, sir.

Q. Now, how far below the surface is this pipe? A. The top of the pipe is laid generally four feet below the surface of the street.

Q. What does this pipe consist of; what kind of a pipe? A. Cast iron.

Q. How long has it been laid? A. It has been laid there something over forty years. 337

Q. All of it? A. Yes, sir; I think all of it was laid then—laid about forty years ago, I think.

Q. What portion of the city is supplied with water from this pipe below Union Square. A. I cannot tell, sir; it is scattered; there are other pipes coming down; that other pipe going across—the 3-foot pipe going across on the east side connects down below, and there are pipes running across connecting; they are all connected together; there is another pipe 3 foot in diameter, which comes down Third Avenue, and on the west side there are 20-inch pipes, or two feet—

Q. How many of these large pipes are there running down on either side of Broadway below Union Square? A. On the east side there are two 3-foot pipes that come below Fourteenth Street; on the other side, on the west side of Broadway, there are none, I think, as large as 30-inch; there is a 30-inch one over on Eighth Avenue. 338

Q. How far do these large pipes on the east side go down? A. Well, they go down, one comes down here to Chatham Square and the other one comes down Division Street.

Q. And these pipes, as I understand you, are all connected together? A. Yes, sir.

Q. So that they make one network? A. Yes, sir.

Q. So that if for any reason there should be trouble in the pipe on Broadway up at Fourteenth Street, for instance, we would still get water down here by means of the other pipes? A. Yes, sir; that is the intention. 339

Q. Running all through? A. Yes, sir.

Q. But in a general way, what part of the city has been supplied by the water that comes through the Broadway pipe? A. In a general way that portion of the city which is the nearest to Broadway, to that pipe.

Q. That is, it would then supply Broadway probably to the extent of two or three blocks on either side? A. Well, I cannot tell you that; I never made any calculation on that part of it.

Q. That would be a mathematical calculation? A. You are rather getting down to guessing on both ends.

Q. But the largest supply of the city below Union

340 Square comes down the Broadway pipe ; that much is so, isn't it? A. Broadway ; on Broadway?

Q. Along Broadway. A. Broadway gets its supply almost entirely from that pipe ; it gets it in the way I speak of ; the houses are not supplied, don't tap on that main pipe ; there is another pipe on each side of the street from which the houses are supplied ; there are two other pipes.

Q. That I didn't understand. A. Yes, sir.

Q. Then, besides this main pipe there is another pipe on each side of Broadway? A. Yes, sir.

Q. How large a pipe is that? A. Generally a 12-inch pipe ; 12 inches in diameter.

Q. That makes three water-pipes in Broadway? A. Yes, sir.

341 Q. And they extend all the way down to Broadway? A. Well, I cannot tell you as to that ; they go clear down, I think ; I think they go through all the way down to Whitehall Street, but of course I am not positive as to that.

Q. Now, these pipes are connected with the main water-pipes at what distances ; a block or two? A. Every three or four blocks.

Q. By what size pipe? A. Generally the same size.

Q. In pipe? A. Yes, sir.

Q. Then the houses on Broadway are supplied from these small pipes? A. From the pipes on the sides of the street.

342 Q. How far are those pipes from the side of the street ; from the curb? A. Well, that I cannot tell you now ; I should say about five or six feet.

Q. And how deep? A. Four feet deep from the top ; the top of the pipe as laid about four feet deep.

Q. And how long have these pipes been down? A. Well, a portion put down at that time, and others put down gradually since.

Q. What is the general condition of an iron pipe that has been used for the purpose for which these pipes were used ; is it in as good condition as it was when put down? A. About as good.

Q. What do you consider the life of a pipe in its place? A. Those pipes are perhaps as good as they were, if they were cleaned out ; if the coating on the inside were cleaned out ; they get corroded and fill up partially, so that the pipe will not carry as much water as at first.



Q. It has grown smaller? A. Yes, sir.

Q. And does not corrosion take place inside and out? A. Not so much outside; in 1870 we moved some pipes, moved some pipes up on Fifth Avenue, between Sixty-third and Seventy-second Streets—Lenox Hill—Lenox Hill was cut down four feet, so that it necessitated lowering the pipes over that hill, and they were lowered down, and when they were uncovered the outside could be seen; they were laid there when they were whitewashed, and the white-wash was still on the outside, showing very little rust. 343

Q. How was the inside of the pipe affected? A. Those pipes were lowered without opening the inside; the water was not drawn off.

Q. Then, practically, you consider an iron pipe for water purposes has certainly fifty years or more of life? A. Yes, sir; excepting where they get into salt water; salt water affects them. 344

Q. Is there enough salt water on Broadway, in the vicinity of Canal Street, to affect them at the depth they are? A. I should think there would be; yes, sir; where they are laid into the earth; where the salt water gets to them they will lose their strength.

Q. Whereabouts on Broadway would these pipes, in your opinion, probably reach salt water that would affect them? A. That would probably be the only place that I know of.

Q. A block on each side of Canal Street? A. Well, perhaps three or four hundred feet?

Q. In all? A. Yes, sir.

Q. Now, the houses on Broadway, as I understand, or the buildings, are all fed by independent pipes; from these smaller pipes that you have spoken of? A. Yes, sir. 345

Q. And whether they are supplied from that main pipe on Broadway you cannot say? A. No.

Q. You don't know exactly the way the water runs—where the water runs from that runs into any particular building; you don't know whether the water that I may draw here at the faucet came down Broadway or came down Third Avenue? A. No.

Q. There is no way of telling in the waterworks system as it is organized; it may have come from either way? A. No, they have there in the office a register; for instance there is a pipe here in Cham-

346 bers Street, and the connection has been made from there to this building.

Q. Then there are people in the city that could tell what part of the city was fed by water that came down Broadway? A. Well, I have told you how people down Broadway get the water from that pipe—all those houses down Broadway.

Q. Now, do any houses beyond Broadway get it from the Broadway pipes; that is, over on Greene Street, for instance, or over on any of the cross streets or the parallel streets? A. Well, as I said, the Broadway pipes are connected with other pipes on each side; how far the draft of water would be obtained on the one side or the other of Broadway no one could tell, because it would vary constantly.

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NEW YORK, January 8, 1885.

JOHN CAMPBELL, recalled for further cross-examination, and examined by Mr. Beaman:

Q. Mr. Campbell, you were unable at the last examination to state exactly what proportion of the city below Fourteenth Street was fed or supplied by the water that comes down through Fourteenth Street; can you tell me what proportion of the whole water that comes below Fourteenth Street  
348 comes down Broadway, without regard to the part of the city that it supplies? A. I could not.

Q. You could not? A. No, sir.

Q. What proportion of the total capabilities of water-pipe extending north and south below Fourteenth Street is found in Fourteenth Street? A. I cannot tell you, sir.

Q. Can you tell what proportion the total amount of the supply pipe coming down Broadway bears to the supply pipe coming down Fourteenth Street in other parts of the city? A. Without a calculation I do not think I could tell.

Q. As much as one-third? A. No, sir.

Q. As much as one-quarter? A. Well, I couldn't tell you that; that is exactly where I say I cannot tell; I don't know how much the gates are opened, how much could be supplied or how much is supplied on any line of pipes; what I mean to say is

that the outlets from the reservoir will carry more 349  
water during the twenty-four hours out from the  
reservoir than comes into them now ; to throw the  
water to certain parts of the city certain gates are  
opened and certain other gates are not opened—that  
is, one is opened full perhaps, and another is not ;  
therefore, as to the proportions, there is no possible  
way of getting at it.

Q. I understood that you were unable to get at the  
proportions that actually do come through, or per-  
haps at the proportions that actually could come  
through, because different pipes, as I understand,  
are connected with different supplies or different  
reservoirs ; but I am asking my question in this re-  
gard : Supposing that all the main supply pipes  
below Fourteenth Street were connected with a single 350  
reservoir ? A. Yes, sir.

Q. And that each were running full ? A. Yes,  
sir.

And discharging full—that is, all it could supply ?  
A. Yes, sir.

Q. Then my question is, what proportion of the  
total supply coming below Fourteenth Street would  
then be drawn out through the Broadway pipes ? A.  
I say that it would be utterly impossible for any-  
body to calculate without getting the size of each of  
the pipes across Fourteenth Street.

Q. And you don't know the size of the pipes well  
enough to tell ? A. Not unless going through a cal-  
culation.

Q. You don't know the size of the pipes well 351  
enough to tell ? A. No, sir.

Q. Can you tell whether it is as much as one-half  
or one-third ? A. I cannot.

Q. Or as much as one-fifth ? A. No, sir ; I cannot  
tell.

Q. Mr. Campbell, you have spoken of a sewer in  
Broadway ? A. Yes, sir.

Q. Is there a main sewer all the way from Four-  
teenth Street to the Battery down Broadway ? A.  
No. I don't think there is ; no, sir.

Q. Well, where is there a sewer in Broadway ? A.  
Where is there a sewer ?

Q. Yes, sir. A. There are sewers all the way  
along from Fourteenth Street down, but some-  
times there are sewers in the centre of the street, and  
some places there are sewers on the two sides ; I  
cannot tell you the exact position of those sewers.

352 Q. Are there sometimes three sewers in some parts of Broadway? A. I don't know of any case.

Q. Can you tell in a general way in what part of Broadway there are two sewers and in what part one? A. No, sir, I cannot; I have never been in one myself, and I have never seen one laid; they were laid there years ago.

Q. How big are those sewers? A. Well, the rule of the department is to lay the sewers—the bottom of the sewer on the inside thirteen feet below the surface of the street.

Q. And how far is the top from the surface? A. Well, they vary in height—some two feet, and some three, and some four.

353 Q. You mean that the sewers are from two to three and four feet deep? A. Yes, sir; five feet some of them.

Q. And the bottom of the sewer—that is the bottom on which the flowage runs, as I understand, is thirteen feet below the top of the street? A. Yes, sir; where the ground is suitable; Canal Street, of course—that couldn't be so there.

Q. If the ground had been suitable there it would have been thirteen feet under the ground? A. Yes, sir.

Q. But to get the flowage they have to change the depth in some places? A. Yes, sir.

Q. And the sewers run up to five feet in depth? A. Yes, sir; some of them.

354 Q. And does that mean the inside depth? A. Yes, sir; inside.

Q. And above that there is a wall of how much thickness? A. Well, the walls are about eight inches.

Q. Eight inches thick? A. Yes, sir.

Q. Those sewers in Broadway were all put down before you had anything to do with the public works of the city, were they not? A. Yes, sir.

Q. That is, below Fourteenth Street? A. Yes, sir; I never really had much to do with the laying of sewers; the sewers were there below Fourteenth Street.

Q. And from those sewers I suppose there are branches into the different streets? A. Well, Broadway is mostly, you know, near the summit, and there are sewers running off from Broadway.

Q. That is, the sewage, then, on both sides, runs from Broadway? A. Much of the ways.

Q. That is, runs down the streets? A. Yes, sir. 355

Q. There is no sewage running down Broadway and emptying out at the Battery—in that direction? A. No, sir.

Q. The sewage coming down—the sewage generally finds its way east and west at different streets? A. Yes, sir.

Q. But it does not go under the blocks? A. No, sir.

Q. Then, down Broadway there are, besides, connections, of course, with the different buildings to the main sewers on Broadway? A. Yes, sir; drains from the buildings.

Q. Now, those drains, what are they mostly; iron pipes? A. They are all sorts of pipes; some earthen, some iron and some—— 356

Q. Is there any rule about where they should be located, or how deep they should be located? A. No, sir; I don't think there is.

Q. But what should you say about the average depth of the centre of those connections; four or five feet under ground? A. Oh, I think about eight feet; I think they generally come out and enter the sewer about the middle of the sewer—not into the top of the sewer.

Q. But about midways? A. Yes, sir; about midways.

Q. What other passages or conduits are there up and down Broadway besides the sewers and the water-pipes; gas-pipes? A. Gas-pipes; yes, sir; and the telegraph wires—not wires, but tubes in which they send messages. 357

Q. Anything else? A. Yes, sir; there are some electric wires now of some of these Electric Wire Companies who are putting wires in Broadway.

Q. Putting wire underground? A. Yes, sir.

Q. To get underground currents? A. Yes, sir.

Q. The first are the gas-pipes you speak of? A. Yes, sir.

Q. Now, how many different sets of gas-pipes are running up and down Broadway, do you know—of the different companies? A. I think below Chambers Street there are but the two companies—the Mutual and the New York, I think.

Q. They run up and down Broadway below Chambers street? A. Yes, sir.

Q. And each of them have connections? A. I

358 think that each of them have not less than two pipes, and some of them have more—three.

Q. That is, each of them has as many as two supply pipes, as you understand? A. Yes, sir.

Q. Any more? A. Yes, sir; I think all of them have got three; and I think right across here there are six of them.

Q. That is, in crossing Broadway here you would come across six gas-pipes? A. Yes, sir.

Q. Where, generally, are they located? A. They are located on the sides of the streets—that is, east and west of the centre of the street.

Q. East and west of the centre? A. Yes, sir.

Q. And how far from the curbs? A. Well, they vary; if there are any obstructions which they find in the way, they will go round them; they will find  
359 a line where they can get through.

Q. And the one that comes in last finds the best place that is unoccupied? A. Yes, sir; takes the best place it can find.

Q. How far are they underground? A. Well, they are usually below the surface of the street from two to three feet—the top of the pipe, I should say.

*Mr. Scribner:* That is, the gas-pipes?

*The Witness:* Yes, sir; the gas-pipes.

Q. And each of these pipes, of course, has its connections with various houses or buildings? A. Yes, sir,

Q. They run across at right angles, I suppose—the connections? A. Yes, sir.  
360

Q. Is not the main supply of the gas companies brought down Broadway and from there distributed into the other streets? A. Well, the New York Company, I think they make their gas over at about the foot of One Hundred and Tenth Street, and they usually come down, where they can, down Broadway; yes, sir; but how much of the main pipes come down that I cannot tell; I think you will find that one of the companies has got a 20-inch pipe through here, and one a 16-inch pipe.

Q. In Broadway here at Chambers Street? A. Yes, sir; right here.

Q. Now, how is it above Chambers Street—between there and Fourteenth Street? A. Well, it is pretty much the same with the gas-pipes, I think, though there is this new company—

Q. The Manhattan? A. No, the Manhattan is 361 there; but the other one above here.

Q. Metropolitan? A. No, sir; the Municipal; they are coming down; they have commenced; they are down below Fourteenth Street, but how far down I don't know.

Q. That is, from Fourteenth Street to Chambers Street there are three or more companies? A. Yes, sir; and there will be this other.

Q. There will be four companies with their different lines? A. There will be three certainly; there are three.

Q. And each of them having two sets of pipes? A. Yes, sir.

Q. Now you have spoken about something for transmitting telegraphic messages; that is, as I understand you, a conduit, or pneumatic tube, or something of that kind? A. Yes, sir. 362

Q. Where is that? A. That I don't know what part of the street it is in; that has been put down, really, since I have been connected with the city.

Q. But it runs down Broadway? A. Yes, sir.

*Mr. Scribner*: Below Chambers Street, isn't it?

*The Witness*: Yes, sir.

Q. It runs from the Western Union? A. Those pneumatic tubes go from the Western Union up to the hotels at Twenty-third Street, I think; and they go down to Wall street? A. And they go down to Wall Street.

Q. And to the new Western Union Office, in Twenty-third Street? A. Yes, sir; those are the 363. pneumatic tubes.

Q. Then, besides that, there are the electric wire systems for telephones and electric lights and electric messages, which are now to some extent under Broadway? A. Yes, sir; I don't know how much of that there is; that is what I had reference to, when I spoke about something being put down since I have been away.

Q. But the pneumatic tubes were put down during your time? A. Yes, sir; the pneumatic tubes.

Q. You are aware of the recent Act of the Legislature, compelling all wires of telephone and telegraph and lighting companies to be underground before the 1st of January, 1886, aren't you? A. I know that such an Act was passed.

Q. Do you know what part of the city the companies are proposing to occupy for the purpose of

364 laying their wires or their lines? A. No, I do not.

Q. You have not been consulted about it at all?

A. No, sir.

Q. Is there any more favorable place for them to occupy than up and down Broadway, considering the convenience of their business and offices? A. As I say, I never took time to look into that.

Q. Are you aware what portions of Broadway are occupied by the steam-heating companies and their system of pipes? A. My recollection is that they extend about from Warren Street here down, not quite to the Battery.

Q. From Warren Street down, not quite to the Battery? A. Yes, sir.

365 Q. What does exist there in the way of steam-heating pipes? A. Pipe, I think, extending all the way down; one pipe all the way down; the pipes are in a brick passage, which occupy some considerable space in the street.

Q. That is a pipe which is placed there for the purpose of conducting steam from the boiler, so to speak, down in the vicinity of Cortlandt Street, to the various buildings that are heated by this company? A. Yes, sir.

*Mr. Scribner*: There are two lines of those pipes.

Q. There is also another line of pipes, of another company; I don't know that it is now in practical operation, but which had its works on the East side? A. Yes, sir.

366 Q. You are aware of the location of those pipes? A. I think there is only a small portion of those on Broadway.

Q. Now, these steam conductors are made, necessarily, very strong, are they not, to withstand the pressure that is upon them? A. That is what they should be; I suppose they are.

Q. Yes, sir; you suppose they are? A. Yes, sir.

Q. You spoke of their being iron pipes, wound around and covered in a brick vault—bricked up; that is, as I understood you? A. They are pipes; yes, sir, protected by other materials, and put into a brick vault; brick outside of them entirely.

Q. Now, where do they stand in the street? A. Well, they stand, I think—all those that I have noticed while they were being put down, were run between the centre of the street and the curb.

Q. Not close up to the curb? No, sir.

Q. But along generally to the centre of the street?



A. Yes, sir; as near as they could get to the centre. 367

Q. And they came in and found the same difficulty that other persons did—that the ground is partially occupied—and they took the best place they could find, I suppose? A. Yes, sir; they took the best place they could get.

Q. Is the location of these various pipes under the streets of New York all in the control of the Board of Public Works? A. They undertake to control it; I believe they intend to; they claim the right to; they fix the location where a party is authorized to put the pipe in the street; they arrange to fix a place where it can be put without interfering with the other pipes.

Q. So that the Board of Public Works have correct maps or charts as to the underlying parts of the city, as far as the streets are concerned? A. They have, very nearly, I suppose; yes, sir, but not entirely; because the gas-pipes were for years laid without any reference to the department at all, and I don't think there was any record kept at all. 368

Q. So when you begin digging it is uncertain what particular pipe you will strike first? A. Yes, sir.

Q. How deep below the street surface are these steam-pipes? A. I think they are down about seven feet—six or seven feet.

Q. Is not Broadway substantially the main artery for everything that is conducted underground, north and south, between Fourteenth Street and the Battery, as well as for everything that is conducted aboveground? A. There is more of what you speak of in Broadway, perhaps, than in any other street below Fourteenth Street. 369

Q. Then below Fourteenth Street, Broadway is occupied underground more than any other street? A. Yes, sir—I think so.

Q. And it is also occupied aboveground more than any other street—isn't it? A. Yes, sir.

Q. In the daytime? A. In the daytime,

Q. Mr. Campbell, where do you live? A. I live up at One Hundred and Twenty-second Street.

Q. Where do you have your office? A. I have an office now in Great Jones Street.

Q. Great Jones Street? A. Yes, sir.

Q. Do you often come down town? A. Every day when there is nothing the matter with me.

Q. How do you ordinarily come down-town? A.

370 I ordinarily come down-town by the elevated road to Bleecker Street and walk over.

Q. Walk over from there? A. Yes, sir.

Q. Do you often come below Great Jones Street?

A. Probably every day that I come down-town.

Q. How do you come down from there ordinarily?

A. Well, I sometimes take the omnibus and sometimes I walk, and sometimes I come down on the Fourth Avenue; it all depends upon where I want to go.

Q. How did you come to-day? A. I walked down to-day.

Q. What determines the way you come down from Great Jones Street? A. The question of the point I want to reach down-town.

371 Q. That is, if you want to go to a point nearest on the route of the stages, as they branch off into different streets, you take the stages? A. Yes, sir.

Q. Otherwise you take the care if you don't walk? A. Yes, sir.

Q. How long have you lived up-town where you now live? A. Three or four months.

Q. What part of the city did you live in before the elevated roads were built—say ten years ago? A. Well, before I moved up-town I lived in Madison Avenue between Sixty-third and Sixty-fourth Streets.

372 Q. How did you get down-town then? A. Sometimes I took the cars right in front of my door, and sometimes I come over to the Sixth Avenue and sometimes to the Third.

Q. To the elevated roads? A. Yes, sir.

Q. Have you recently lived in New York as low down as Thirty-fourth Street? A. No, sir; I have not.

Q. You have spoken, Mr. Campbell, of the fact that in your opinion after trucks get accustomed to horse-cars on Broadway, they would more or less track behind each other, as I understood you? A. Yes, sir.

Q. Why would they come to do that? A. Because the ordinary rule of travel, you know, is, in a street, to keep to the right; and if they had cars there running in the street, and if you were driving up Broadway you would probably bring one of your wheels inside of the rails of the cars, and trot along with the cars which run ordinarily about

six miles an hour, and if you had a team you would keep outside. 373

Q. That is, you think the tendency of cars on Broadway, would be to make two lines of travel on Broadway, as it were, one going on the right hand up and the other on the left hand down? A. Yes, sir; I think so.

Q. And that the tendency of trucks and vehicles would be to get in behind the cars and follow them? A. Trucks with heavy loads would probably keep outside, between the curb and the rail.

Q. Now, in any such business of travelling behind—following your leader, as it were—in a continuous line of that kind, it is the slowest one that really determines the speed of the column; is it not? A. Yes, sir.

Q. So that anything in that column that was slow, or that would impede it, would block up the whole way? A. It would keep them back. 374

Q. That is what I mean, keep everything back that was behind. A. Yes, sir.

Q. The result of that would be that the blocking of any portion would keep back what was behind it; would it not? A. Unless they turned out.

Q. Unless, they turned out, yes. A. Yes, sir.

Q. Now, the facility for a horse-car to turn out is, of course, very limited? A. Yes, sir.

Q. Isn't at all practicable? A. Well, I don't know about that; I have been in a car when the driver has turned his horses and drew his car right out and drove up a hill. 375

Q. Well, I have; but that is not what I call facility; but they do do it. A. Yes, sir.

Q. You never were in a car when it left its track, and went in a side street and came up an other street? A. No.

Q. You have simply been in a car when for some temporary reason it has gone around another car? A. Yes, sir.

Q. And that would be the extent of the divergence from the main track? A. Yes, sir.

Q. A car is, of course, much more difficult to divert from its regular track than an omnibus? A. Yes, sir.

Q. And a car is much more difficult to get around any obstruction than an omnibus? A. Yes, sir.

Q. And a car, if it was blocked, would have very much less facility for getting away from the block

376 or from avoiding it than an omnibus? A. You are getting into too much fine work for me.

Q. I understand; but not too fine for you, Mr. Campbell; you must have had a great deal finer work than this. A. Well, these are mere questions of opinion.

Q. Well, that is all that I want—your opinion; now I will just have the question repeated by the stenographer.

(Question repeated). A. Yes, sir; that is correct.

377 Q. Now, isn't Broadway of such width, Mr. Campbell, that if there was a double track for horse-cars up and down Broadway, say below Canal Street, or below Chambers Street, or say between Canal Street and Wall Street, that it would be practically impossible to load or unload heavy articles of merchandise into or from trucks standing end-wise to the curb, without obstructing the cars that were passing on the track nearest to the curb? A. Well, a truck standing that way would obstruct any travel between the car and the curb.

Q. It would obstruct any travel between the car and the curb; that is certain. A. Yes, sir; depends on the construction of the truck.

Q. But wouldn't it also obstruct any travel on the track? A. Well, as I say, in regard to the question of construction, trucks would rather vary in length; they would have about ten feet, I suppose—ten or twelve feet between the car and the curb.

378 Q. So that you do not consider that you are expert enough on the length of trucks or loads to answer that question; is that what you mean to say? A. Well, I mean to say just what I have said—what I did say.

Q. The query is whether the loading of trucks would or would not obstruct the cars? A. Well, I say I am not posted on the length of trucks; I know that they vary in length.

Q. That is what I was trying to get on the record—that you are no expert on trucks. A. I do not profess to be an expert on anything.

Q. Mr. Campbell, let me ask you this question, on which you are perhaps an expert: Isn't it true that Broadway is very often, below Fourteenth Street, torn up by reason of the necessity of repairs to existing underground passages, or by the necessity or

desirability of putting down new ones? A. Yes, '379  
sir.

Q. And of making connections between houses and sewers, and making connections with all these main pipes that you have spoken of? A. Yes, sir

Q. Now, isn't it, in your judgment, probable that that necessity of tearing up Broadway will go on increasing more and more as the city increases or grows larger? A. I do not think it will decrease.

Q. You do not think it will decrease? A. No, I don't.

Q. Why do you think it will not decrease? A. Because I think it has been increasing, as far as my recollection goes and as far as my experience goes, up to this time.

Q. And the probabilities, of course, are that these things that have been underground so long are more or less wearing out and deteriorating, and may have to be replaced in some instances, or be repaired; isn't that so? A. I don't know of any machinery or anything else that did not give out in time.

Q. And the mere growth of business and the demands for underground passages in itself necessitates the tearing up of Broadway from time to time? A. That will, unless they open up other avenues.

Q. The only help that you see for that trouble is the opening up of other avenues north and south between Broadway and the water, I suppose? A. Yes, sir.

Q. Now, you have spoken of this continual tearing up of Broadway from time to time; isn't this much more likely to interfere with the running of horse-cars, if there ever should be any on Broadway, than it would be with the running of omnibuses? A. I do not think there is much of the tearing up that would necessarily interfere with the running of the cars; it is merely a question of care where they tear up to get to the work below.

Q. But if they are tearing up one of these big steam pipes that run, as I understand it, very near where the horse-car tracks would be, do you mean to say that one of these pipes could be laid or taken up or practically repaired without interfering with all travel on that car track? A. I do not think it could be done.

Q. Then as long as one of those things was being put down or taken up or repaired there practically

382 would be no horse-car travel on Broadway, would there? A. Now, you are getting too far along again for me.

Q. I am getting too far along for you? A. Yes, sir.

Q. What do you mean by that? A. I mean that I do not know why they should not use one track around for the time being.

Q. Use one track? A. Yes, sir.

Q. That is, both cars go up and down on a single track—cars going each way using that one track?

A. Yes, sir, to pass that place.

Q. Well, what would the result of that be; let us suppose an instance; suppose between Fulton Street and Pine Street they were putting in one of  
383 those steam pipes right straight under where the car tracks were, or one of these big pipes (I don't care whether it is a steam pipe), the result would be that their digging up that place would make it impossible for cars to be there? A. If they were going to put it under there, yes.

Q. Now, suppose they were digging up on the right hand side going down, and throwing the dirt to the right, that would be blocking up everything between the car track and the curb, wouldn't it? A. I am not good at suppositions.

Q. Mr. Campbell, haven't you been down on Broadway below Fulton Street within the last two years, and seen that street impassable by reason of changes that were taking place underground? A. I have  
384 seen a great deal of obstruction; yes, sir.

Q. Well, haven't you seen it to that extent, Mr. Campbell? A. To what extent?

Q. To the extent of the width of Broadway—to the extent that the width of Broadway was blockaded? A. No; scarcely that; but I have seen very nearly that.

Q. Well, when it was blockaded, as you have seen it, wasn't it blockaded in such a way that horse-car travel would have been impracticable there? A. Well, that I don't recollect enough about, because I was not looking at that; but it would have been very troublesome.

Q. In the situation that you did see it, was it not the fact then that all the travel in that part of Broadway was compelled, the best way it could, to get through a space that was only half the width of Broadway? A. Well, I should think there was

not much more than half of Broadway that was passable. 385

Q. Now, then, when these things were going on in Broadway, which you have seen going on in the past, and Broadway is being dug up and put down again, isn't it, in your judgment, certain that such goings on (to speak perhaps a little slang)—that such goings on in Broadway would interfere very much more with the ordinary passage of horse-cars than it would with the ordinary passage of omnibuses or vehicles on wheels? A. Perhaps I should, in going back to that other question you were talking about, say that I do not think the City Department would allow two blocks continuously to be dug up—that is what your supposition is—from Fulton to Pine; I do not think they would allow that much to be torn up at one time; I do not think they ever allow more than one block at a time to be torn up. 386

Q. Suppose one block at a time is only torn up, my question is whether that one block would not interfere more with the ordinary business of horse-cars on that line than it would with the ordinary travel of omnibus lines, for the time being? A. It might.

Q. Of course it would not affect it after it had ended, or before it had begun, but while it existed it would, wouldn't it? A. Well, I say that would be exactly the question, as to where they deposited it, &c.

Q. But as far as it did exist, it would exist as an impediment to the horse-car line more than it would to an omnibus line, wouldn't it? A. Yes, sir. 387

Q. And if it ever did happen that the whole street was blockaded, that would absolutely put a stop to horse-car travel? A. Through that street—yes, sir.

Q. Or on that line? A. I suppose if the whole street was obstructed it would prevent all travel.

Q. But omnibuses could go down one block and turn around and come back on their line again? A. Yes, sir; go off on another street.

Q. And you have often known them to do that? A. Yes, sir.

Q. But horse-cars wouldn't have that facility, and wouldn't do it? A. No, sir; I should think not.

Q. You have spoken about certain of these pipes as being a certain distance below the surface; do

388 you mean below the surface of the pavement—upper pavement? A. Yes, sir.

Q. And not below the surface of the lower pavement? A. Oh, no; the surface is the surface of the street; that is what I mean by surface.

Q. The paved surface? A. Yes, sir; the paved surface—the top of the pavement.

Q. The pavement on Broadway to-day is called what—what is the ordinary name of it—isn't there a name to it? A. When that was put down they called it Gidday's patent pavement.

Q. It consists of blocks of stone that are about how deep, as they lay? A. I think they are about eight inches.

389 Q. Does Broadway need paving now, in your opinion? A. I think it wants to be repaved or relaid.

Q. From where to where? A. Up to Fourteenth Street.

Q. When was it paved last? A. It must have been fifteen years ago, I think.

Q. Are you quite certain of that, Mr. Campbell—hasn't Broadway been repaved from Fourteenth Street, certainly to Chambers Street, within ten years? A. No, sir; I think it was 1868 or 1869 it was finished; but it was in the sixties, anyway.

Q. And it was new pavement? A. Yes, sir.

390 Q. And consisted of granite blocks laid on edge? A. Yes, sir; laid on gravel or sand; coarse gravel as a cushion between that and a bed of concrete that is under that.

Q. At the time Broadway was repaved, say fifteen years ago, and is now in a situation that it needs repavement again? A. Yes, sir.

Q. Why is that—because of faulty laying? A. No, sir; it is the wear and tear on it; the qualities of the stone are different in different parts of it.

Q. But it was intended to be well laid, and was well laid, so far as you know? A. Yes, sir; but the quality of stone in some parts of it is better than in others.

Q. Well, better because they happen to be better, or why? A. No; better quality of material; the blocks were all granite, but granite varies in quality.

Q. It happens that granite from one quarry differs from that of another, or even granite from the same quarry differs in hardness? A. That was the difficulty, that some was softer than other.



Q. And that wasn't anything that could have very well been prevented in the laying of the pavement? 391

A. It could have been prevented if they had required the stone to come all from one quarry.

Q. But what if they all came from one quarry? A. Then they would have had a uniform quality.

Q. Do you know of any better pavement for the use of Broadway, between Fourteenth Street and the Battery, than now exists upon it? A. I do not.

Q. Now, the change that ought to be made in Broadway now—the thing that is needed about the pavement—is what, Mr. Campbell? A. It wants to be taken up and relaid, or the stone turned over, and where they are not good thrown out and others put in.

Q. Isn't it your opinion, Mr. Campbell, that Broadway is having so much travel upon it that even with the best possible pavement that you know of for Broadway, it would necessitate the repavement or tearing up of Broadway to turn the edges of the stone at least once in fifteen years? A. Well, that is rather a delicate question; if this work, as some of the stones showed small depressions, had been attended to and taken up and replaced in time, the street might have been maintained in good order right up to the present time, and so along if it was kept in repair; after a stone gets down, every omnibus that comes along, or carriage that comes along, strikes it and continuously makes a much worse place, and in time it makes there a bad place in the pavement, whereas had it been attended to in the first place when it began to settle in that point, and if the stone had been taken up and replaced it would have been all right; it might have been if it had been followed up in that way. 392 393

Q. But as it is practically followed up and has been, as you have seen by your experience in the city, isn't it true that in your judgment, with the best pavement possible on Broadway, it will need to be repaved substantially once in every fifteen years?

A. Well, I should say it would not need repaving, but relaying.

Q. "Relaying" is the word? A. Yes, sir; because a great many of those stone could be turned and used over again.

Q. It would need relaying then? A. Yes, sir; it would practically need relaying of the whole of it, if it was not followed up by repairs continually.

394 Q. Now, in your judgment, would not the relaying of Broadway or the repaving of it, interfere very much more with travel by means of cars (if there ever should be any on there) than it would with the travel by means of omnibuses? A. It could be relayed right along under a contract, and it would be if it was being relayed in that way under contract—though I don't know that it would, either, because it would not affect the foundation; you would merely relay between the tracks and the curb.

Q. That is, your idea is you would lay one side at a time? A. Between the tracks there is a pavement; you wouldn't take that up and relay it, because they would keep it in order—the parties usually do, between the tracks, themselves.

395 Q. But the question is practically whether or not the paving of Broadway, or the relaying of pavement, or the doing of anything to the pavement of Broadway that is substantially a renewal of it, would not, in your judgment, cause more obstruction to horse-car lines than it would to omnibus lines? A. I do not believe that it would.

Q. Isn't it true that when Broadway was last paved from Fourteenth Street to the Battery, that whole blocks of the street were blockaded for weeks, and that there was no travel on those blocks at the time—neither by omnibuses nor by wagons nor anything else? A. I know that it was paved in separate blocks; I had nothing to do with it at the time.

Q. It was paved in separate blocks? A. Yes, sir.

396 Q. When it was so paved in separate blocks it was blockaded absolutely in those blocks? A. Yes, sir.

Q. And in such a situation horse-cars could not do anything, could they? A. No.

Q. Then if Broadway is repaved or relayed, as it has been repaved or relayed, such horse-car travel would be absolutely prevented? A. I don't say that; I say that it couldn't be so, because the horse-car company's tracks would not be taken up, as they always keep the street between their rails in repair themselves; there would only be relaying outside of the tracks of the horse-cars—between them and the curb.

Q. And between the tracks? A. Between the tracks I think there is only five feet ordinarily, and I think they would cover that.

Q. You think the horse-car people would cover that? A. Yes, sir; I think they would cover that.

Q. Your idea is that if there were horse-cars in Broadway that there would not be a gang of laborers marching up and down Broadway as they did when Broadway was repaved before? A. No, but Broadway when it was repaved heretofore had to be taken up and a bed of concrete was put clear across the street.

*Commissioner Harris:* Where would the travel go in such a case? Suppose one side of the railroad on Broadway (assuming there was a railroad) and then assuming that on one side—on the west side, for instance—the travel goes down, and on the east side it comes up—or reverse it, it don't make any difference; suppose that the west side was being repaved or torn up to repair the pipes, where would the travel on that side during that period go? 398

*The Witness:* It would be forced on to the track and follow the cars on that track.

Q. Well, suppose the horse-cars are keeping some contract that they have made with the City and are repairing their tracks; now, does not the repairing of those tracks in the same way block up Broadway, and to the same extent? A. I have ridden on cars a great many times, but I have never stopped five minutes or three minutes for any repairs on the tracks.

Q. Mr. Campbell, you say you have not been obstructed by horse-cars repairing their own tracks? A. In riding in cars, I say, not to any extent; not more than a minute or two.

Q. Now, Mr. Campbell, so far as Broadway is a street and adapted for a thoroughfare, isn't it true that between Fourteenth Street and the Battery there is no street that can now relieve it very much of such travel as goes on wheels? A. Well, there is Fifth Avenue across Washington Square, and South Fifth Avenue, and West Broadway, which would relieve it down—could relieve it, and does, I think, now, to some extent, down as far as Chambers Street; and from there down the street narrows; but there is no street that I know of between Fourteenth Street and the Battery that could carry as much traffic on it as Broadway now carries. 399

Q. Is there any street below Chambers Street that has any practical value now, or that would have, as a street which could relieve Broadway of its travel? A. Well, South Church Street would relieve it for a portion of the way there, and if it was widened out

400 between that and up above, up to Chambers, I suppose it would ; but there is none that I know of really that very much could relieve it.

Q. Below Chambers Street ? A. Yes, sir ; below Chambers Street.

Q. Have you in connection with the Public Works had anything to do with the Department of Street Cleaning ? A. No, sir.

Q. You know, as an engineer conducting the affairs of the city, it is very difficult in winter to keep the streets of New York clear of snow ? A. It is at times.

Q. It is much more difficult to keep clear of snow the streets where there are horse-cars than the streets where there are no horse-cars, isn't it ? A. Not that  
401 I am aware of ; it can be removed from the streets whether the horse-cars are there or not.

Q. But, practically, it is not removed out of any streets of New York, or never has been in your experience, except to a certain extent in Broadway and Fifth Avenue and Wall Street, perhaps. A. That is practically all.

Q. That is practically all that you have seen. A. Yes, sir.

Q. Now, Mr. Campbell, how many years is it since the Department have begun removing the snow, or attempting to remove it, from Broadway in the Winter time. A. Well, I don't recollect of anything being done before, I think, 1872.

Q. 1872 ? A. Yes, sir ; somewhere's back there :  
402 I don't recollect exactly.

Q. How long is it ago, Mr. Campbell, that the stages in Winter time were running on runners up and down Broadway ? A. That I cannot tell you, but a good many years ago.

Q. Isn't the general tendency of travel, and the general situation of the streets of New York, such in Winter time that when there is snow on the ground the tendency of travel of loaded teams, or of travel for mere passenger purposes, so far as it consists in independent vehicles, is that it seeks Broadway and avoids side streets ? A. I never have known any man driving a team that did not look for what he thought was the best road to drive on, unless he had some specific object in another direction.

Q. You think all drivers of teams that you know go to where they believe is the best road ? A. Yes, sir.

Q. Isn't Broadway in Winter time, when there is snow on the ground, the best road up and down from Fourteenth Street to the Battery? A. The best road for wheels, I think. 403

Q. The best road for wheels? A. Yes, sir.

Q. And isn't it proportionately a much better road in Winter time than it is in Summer time, assuming that there is snow on the ground? A. I don't know that it is any better, except when it is cleaned out.

Q. Well, if it is cleaned out, then it is better? A. Yes, sir.

Q. And isn't it attempted now by the city government, and hasn't it been for the last ten years, to remove the snow from Broadway as soon as possible after a snowstorm? A. I don't know how far back; for several years.

Q. And the custom still exists, as far as you know? A. Yes, sir. 404

Q. Isn't it true that a horse-car line in a street of New York, so far as you know, piles up the snow on each side of the tracks and makes the street more impassable than usual for vehicles? A. I know that has been the case, as far as I know; throwing the snow from the snow-plow off on the sides.

Q. Of course, you never yourself have driven a team up and down Broadway, Mr. Campbell? A. Casually a horse and carriage.

Q. Yes, sir; you have driven your horses up and down? A. Yes, sir.

Q. You said some time ago that the loaded teams in going up and down Broadway, as I understood you, would keep their wheels in between the tracks; why would they do that? A. I don't understand the question; what did I say? 405

Q. Perhaps I didn't understand you, but I understood you to say that, assuming that there was a double track up and down Broadway for horse-cars, and that teams were following the cars—tracking, as it were, behind each other—that the teams would so be driven that their wheels would come one wheel certainly between the tracks and not on the tracks? A. They would straddle the rails.

Q. Why would they do that? A. Because they keep the wheels out of the rut, if there is a rut, next to the rail.

Q. Why would they avoid the rut? A. Because it is easy to turn out when it is smooth rather than in there is any rut.

406 Q. Therefore, the rut that you speak of is something that, as far as it exists, is a bad thing for wagons or carts? A. Well, it is no benefit.

Q. Well, isn't it a bad thing? A. It would be; yes, sir.

Q. Well, so far as there is a rut, it would be a bad thing? A. Yes, sir.

Q. No doubt about it? A. Yes, sir.

Q. Everybody would avoid it? A. Well, I don't know about that.

Q. Any sensible driver would avoid it? A. That is a mere question of opinion.

Q. Well, that is your opinion? A. Well, I have driven, and I always drive in the way I speak; I straddle the rail—one rail—keep the wheels so that the wagon may turn either way.

407 Q. The difficulty about turning is, if you are in the rut you can't get out of it easily, and if you do turn there is liability to an accident happening to your vehicle, isn't there? A. Yes, sir.

*By Mr. Scribner :*

Q. Mr. Campbell, you were a resident of New York at the time of the inception of street railroads, were you not, about 1852 or 1853? A. I was here when the road ran from about Twelfth Street up to about One Hundred and Twenty-fifth, and then they extended from there to Greenwich Street; I don't recollect the years.

408 Q. Were you here at or about the time the Second and Third Avenue railroads were constructed? A. I don't know whether I was here at the time they were constructed or not; I don't recollect.

Q. Well, at all events, for many years you have been accustomed to observe the operation of street railroads in the streets of the City of New York. A. Yes, sir.

Q. Have you ever known a case where the passengers of a street railroad were discommoded to any considerable extent by reason of repairs to the street or to the structures underneath the street being done by the Department of Public Works or Street Commissioner? A. Well, I don't recollect of any.

Q. Do you call to mind a solitary case in which the operation of a street railroad has been absolutely suspended by reason of the construction in any street, where the cars run, of a sewer, or of repairs

to pavement, or any of the public improvements of the kind alluded to by my friend, Mr. Beaman? A. No, I don't think I can; I don't recollect any. 409

Q. As a matter of fact, don't you know, Mr. Campbell, that excavations have been frequently made underneath the tracks of street railroads, which excavations were bridged over by the railroad company with planks or boards or something of that kind, and the operation of the railroad continued just as if no excavation was being made? A. Yes, sir.

Q. Hasn't that been a matter of common occurrence in the streets of the city ever since street railroads first originated? A. As far as I know, yes, sir.

Q. In respect to the paving of Broadway, I call your attention to the provision of the consent of the Common Council, which was put in evidence on the first day in this proceeding—I call your attention to the third division of this consent, which provides, “That said the Broadway Surface Railroad Company shall also whenever, and as required, and under the supervision of the proper local authorities, have and keep in permanent repair the portion of every street and avenue or highway upon which its tracks shall be constructed pursuant to this consent, between its tracks, the rails of its tracks, and a space two feet in width outside of and adjoining the outside rails of its track or tracks so to be constructed, so long as it shall continue to use such tracks so constructed under the provision of this resolution and consent.” Now, assuming that the railroad company accepts the conditions of this consent given by the Common Council, and complies with that condition by paving the street as required by the language which I have read, would there be any sort of difficulty in operating a street railroad in Broadway—any sort of difficulty to the public, assuming that the railroad company complies with the duty imposed by that condition? A. You mean in reference to what? 410 411

Q. I am alluding, Mr. Campbell, to that part of your cross-examination by Mr. Beaman in respect to the paving of streets. If the railroad company complies with this condition it would pave about 19 feet of Broadway, would it not; the tracks are about 5 feet wide, are they not? A. Yes, sir.

412 Q. That is ten feet for the two tracks? A. Yes, sir.

Q. And the space between is 5 feet or thereabouts? A. Yes, sir.

Q. And that would be 15 feet? A. Yes, sir.

Q. And the two feet on either side would make it 19 feet of the street which the railroad company would be required to keep in repair; isn't that so? A. Yes, sir.

Q. Do you happen to remember about what is the width of the carriage-way of Broadway at any particular point? A. I could not say as to any particular point; I know that it varies.

Q. Nineteen feet would be a large part of the street to pave, would it not? A. Nineteen feet  
413 would be rather less than half.

Q. It would be a considerable part of the street to be paved? A. Yes, sir.

Q. And a compliance with this condition by the railroad company would save the city authorities all that expense, would it not? A. Yes, sir; a compliance with it.

Q. At Canal Street, Mr. Campbell, about what is the depth of the pipes there below—that is, about what is the depth of the water-pipes, for instance, beneath the surface of Broadway at or about Canal Street? A. I don't know; I think they can only be just below the pavement; I think they are only just below the pavement there—as far up as they can be without interfering with the pavement.

414 Q. Canal Street is the lowest point on Broadway, is it not? A. Yes, sir.

Q. And all these pipes there that you have spoken about lay nearer the surface of Canal Street—nearer the surface of Broadway—than at any other point on Broadway? A. Yes, sir; as near the surface as they could be laid, and the pavement put over them.

Q. In respect to the underground telephone wires about which Mr. Beaman inquired, do those run above the Western Union Telegraph building as well as below it? A. The pneumatic tubes?

Q. Yes, sir; the pneumatic tubes, I mean. A. They go up, I think, to the Fifth Avenue and to the St. James; whether they go up to the Windsor I don't know.

Q. To the upper hotels? A. Yes, sir; they go up to those hotels.



Q. Those pneumatic tubes carry telegraph wires, 415  
do they not? A. No, sir; they carry messages.

Q. Mr. Campbell, you stated that you lived on  
Madison Avenue at one time? A. Yes, sir.

Q. Between Sixty-third and Sixty-fourth streets?  
A. Yes, sir.

Q. Was there a street railroad in that street  
while you lived there? A. Yes, sir.

Q. Was it a railroad with double tracks? A. Yes,  
sir.

Q. Did you find the street cars on Madison Ave-  
nue a convenience or an inconvenience? A. Well,  
it was rather a convenience.

A. A convenience? A. Yes, sir.

Q. And they were convenient in consequence of  
the facilities they afforded the residents of that  
street and the residents of the neighborhood for  
going up and down town? A. Yes, sir. 416

Q. Mr. Campbell, if you were coming down to  
the City Hall from your office in Great Jones  
Street, and you had your choice between an omni-  
bus and a horse-car on Broadway, which would you  
take? A. I would come down in the horse-car.

Q. Why? A. Easier to get in and easier to get  
out.

Q. Mr. Campbell, in streets where railroad  
lines exist, and where public improvements have  
been made necessary, such as sewers, or the open-  
ing of the street to receive a water-pipe, isn't it  
a matter of common occurrence where an excava-  
tion cannot be bridged, for side-tracks to be put in  
to run around an excavation with the horse-cars? 417  
A. Yes, sir.

Q. Isn't it a matter of common occurrence where  
the excavation is so extensive as to require one  
track to be temporarily removed, for the cars to be  
operated for a block or two in both directions on  
one track? A. Yes, sir.

Q. Would there be any difficulty in operating a  
road in that way on Broadway; would there  
be any difference between operating a railroad in  
that way on Broadway and operating a road in any  
other street? A. It would be the same as in any  
other street; of course when the cars come toward  
each other there must be an arrangement by which  
they can pass each other.

Q. Then all these objections or difficulties that  
have been referred to by Mr. Beaman, which might

418 possibly obstruct or interfere or discommode the operation of street-cars, applies to any other street just as well as to Broadway? A. Yes, sir; some two years ago they put a sewer in Madison Avenue between Fifty-seventh Street and Fifty-ninth Street—a very deep sewer, where they had to go down, I believe, some twenty feet or more—and they turned one track into the other at Fifty-ninth Street, and at Fifty-seventh Street they turned back again on to the other track, running on the intermediate point upon this one track.

Q. And all that amounted to was that the railroad company temporarily was compelled to run its cars in both directions on a single track for a short time? A. Yes, sir; between those two blocks; 419 that is what they did.

Q. That is what they did, and that is what might be done on Broadway, might it not? A. Yes, sir; of course.

Q. To lay a horse-car track does not require any considerable excavation of street, does it, Mr. Campbell? A. No, sir.

Q. It is merely the taking up of the pavement and the laying of the stringers and ties and putting on of the rails, and the restoring of the stone; that is all there is of it, isn't it? A. Yes, sir. There would be a difficulty in Broadway as to the ties; I think they would strike on to the concrete before they got down there.

Q. Strike on what? A. On to the concrete. I 420 think they would have to modify the arrangement about ties.

Q. If there is concrete work there they wouldn't probably have to put in ties? A. Yes, I think so, to keep the rails the uniform width.

*By Mr. Beaman:*

Q. You have spoken of the difficulties that you have experienced on other streets—on Madison Avenue and on other big avenues—Second and Third Avenues; there are none of those streets that bear any proportion in the amount of travel to Broadway; are they? A. They bear a proportion, but not a large proportion.

Q. The difficulties that exist on those streets would of course be proportionately increased on Broadway, wouldn't they, as far as they exist? A.

I don't know ; there is not as much travel on either of those streets as there is on Broadway ; the proportion of it I couldn't give you, and nobody else could that I know of. 421

Q. The difficulties, Mr. Campbell, that do exist on these other streets would exist on Broadway to a larger extent ; would they not ? A. It would depend upon what the difficulties arose from.

Q. Well, the difficulties so far as they arose from the impeding of travel by the interfering with anything that is on the street itself or below the street ? A. It would be greater on Broadway.

Q. Greater proportionately than on any of the other streets ? A. Yes, sir ; I believe it would be.

Q. You have spoken something about a cable road, or been asked something about a cable road ; I suppose you have no particular knowledge as to the way cable roads are constructed or the facility which they could be laid down in Broadway ? A. They are building one up on Tenth Avenue—they have been building one up on Tenth Avenue, crossing at One Hundred and Twenty-fifth Street. 422

Q. And that one you have seen ? A. Yes, sir ; that one I have seen.

Q. And the testimony that you have given with regard to a cable road is based upon your having seen that one ? A. Well, I have seen the road in Chicago ; I have seen the road there.

Q. And in your testimony you assumed that the cable road to be put upon Broadway is substantially such a road as you have seen up in Tenth Avenue ? A. Yes, sir. 423

ALONZO SLOTE, called as a witness on behalf of the petitioner, sworn, testified as follows :

*By Mr. Scribner :*

Q. Mr. Slote, where do you reside ? A. I reside in Brooklyn, sir.

Q. Do you do business in New York ? A. Yes, sir.

Q. What is your business and where is your place of business ? A. Retail clothing business, corner of Broadway and Chambers Street.

Q. What is your firm ? A. Treadwell, Slote & Co.

Q. Your place of business is where ? A. 273, 275 and 277 Broadway, corner of Chambers Street.

424 Q. Right out here, across the street? A. Yes, sir.

Q. How long have you been in business there, Mr. Slote? A. About eight years.

Q. How long have you been in business in Broadway altogether? A. About eight years.

Q. About eight years there? A. Yes, sir.

Q. In your opinion, Mr. Slote, would the construction and operation of a street surface railroad, operated by horse power, between the Battery and Union Square, be a matter of convenience or detriment to the general public? A. I think it would be a convenience, sir.

425 Won't you please state to the Commissioners why you think it would be a convenience? A. I think, as a retail merchant in New York, since the Elevated Roads opened, it has taken a great deal of business from Broadway, especially in the retail line; ladies and gentlemen, we think, don't like to ride in omnibuses when they can help it, and I believe that—we believe that a horse railroad would be much preferable for the business interests of Broadway.

Q. A street-car is much easier to get into and out of than an omnibus, isn't it? A. Yes, sir.

Q. Has Broadway now any facilities for travel between the points that I have named—the Battery and Union Square—that is, facilities for public travel, except the omnibuses? A. No, sir.

426 *Cross-examination by Mr. Beaman:*

Q. Is your clothing business a retail business? A. Yes, sir.

Q. Altogether? A. Yes, sir.

Q. You speak of we—— A. Well, I mean our firm.

Q. What part of that building do you occupy?

A. The whole of it, with the exception of the basement.

Q. Do you manufacture there? A. Yes, sir; some.

Q. Do you manufacture most of your own goods? A. Yes, sir; manufacture them all.

Q. But some in other parts of the city? A. Yes, sir; in different parts of the city.

Q. To what class of customers do you sell? A. Both custom and ready-made.

Q. You are custom tailors and ready-made tailors? A. Yes, sir. 427

Q. But where do your customers come from principally? A. Well, from all over; we have a very nice class of customers, sir.

Q. They come from Brooklyn and Staten Island? A. Yes, sir.

Q. And Jersey? A. Yes, sir.

Q. Do people come down from above Fourteenth Street purposely to buy your goods? A. Yes, sir.

Q. People that have known of you and have known your reputation? A. Yes, sir.

Q. They find their way down still? A. Yes, sir.

Q. How do they come down? A. Well, I don't know; some walk, I suppose, and some come by the Elevated Road, and some by stages; we have a number, sir, that say they cannot reach us now very well unless they do walk. 428

Q. Well, there are a lot of other clothing stores they can get to? A. Well, we wouldn't like to have them do that.

Q. Well, you want to get them away from somebody else, don't you? A. We want our share of business.

Q. And you are not getting it? A. Sometimes, yes; and sometimes, no.

Q. What do you call your share? A. Well, to keep us pretty busy.

Q. All you can get? A. Yes, sir; all we can get.

Q. And you think the Elevated Roads have hurt you some? A. I think since they have been instituted, sir, that they have taken away a great deal of the travel from Broadway. 429

Q. You have noticed that, have you? A. Yes, sir.

Q. They have hurt your business? A. Yes, sir.

Q. Where have they taken it to? A. Well, either way up-town or way down-town.

Q. Do you mean that the Elevated Roads have kept the people up-town from getting down to your store? A. No, sir; I do not; I mean that the people who get into an elevated car at Rector Street are not going to get off at Chamber Street to buy a suit of clothes from us, that used to do it.

Q. But now they won't do it? A. No, sir; they say it is too much out of the way.

Q. You didn't find any trouble with the situation of Broadway before the Elevated Roads were built

430 up? A. Well, I think the Elevated Road has hurt us.

Q. And you think that if you would get horse-cars up there they would help you a little. A. I know they would, sir.

Q. Do people, as a matter of fact, come down town by the Elevated Road or in any other way, in your judgment, for the purpose of buying a ready-made suit of clothing from you? A. That is a pretty hard question to answer.

Q. Did you ever know anybody to do it? A. Yes, sir; plenty of them.

Q. Came down a-purpose for that and for no other purpose? A. Yes, sir.

431 Q. And they still do it with what means of travel they have, don't they—that class of people? A. A good many of them; yes, sir.

Q. Do you think you would get any more that would come down from above Twenty-third Street to buy a suit of clothes if you had horse-cars on Broadway? A. I don't know; but they would have better facilities.

Q. And you want to give them a chance so that you can get at them, and that they can see your goods and you can sell them? A. Yes, sir.

Q. But there is no public demand that you know of for people wanting to come down to Slote's ready-made clothing store? A. No, sir; not that I know of; I suppose we are not as important as that.

432 Q. But you think it would help you if you could get it? A. I think it would help our business to have a surface horse railroad upon Broadway.

Q. You think it would help your business? A. Yes, sir.

Q. Do you own this property on Broadway? A. No, sir.

Q. Have you got a lease of it? A. Yes, sir.

Q. For how long? A. Seven years.

Q. Is it the corner in which Delmonico's restaurant used to be? A. Yes, sir.

Q. Isn't it true, Mr. Slote, that most of your business is selling clothing to parties who come to New York from Brooklyn and Jersey City or from other places? A. Oh, no; I know a portion of it is.

Q. Have you ever thought of moving up-town? A. No, sir.

Q. How long have you been in the clothing business? A. Twenty-seven years. 433

Q. Where were you in business before you started where you now are? A. Fulton Street.

Q. Then you moved up from Fulton to the corner of Broadway and Chambers Street? A. Yes, sir.

Q. How long were you in Fulton Street? A. We were there, I should judge, about fifteen years—no, longer than that—seventeen years, I think.

Q. And you have never been in business except in Fulton Street and Broadway? A. No, sir.

Q. Where were you in Fulton Street? A. Near Nassau.

Q. Between Nassau and Broadway? A. No, sir; between Nassau and Dutch.

Q. Between Nassau and Dutch? A. Yes, sir.

Q. When you were in business there your business was mostly with people who came there from Brooklyn; wasn't it? A. Oh, no, sir; we have a large Brooklyn trade and a large New York trade. 434

Q. Did you compete with the ready-made clothiers above Canal Street? A. There was not many at that time.

Q. The retail clothing business has gone up town very much, hasn't it? A. Well, a good deal of it went around Prince Street and Houston Street.

Q. Well, there is a great deal of it above Canal Street? A. Yes, sir.

Q. And a great deal of it above Fourteenth Street? A. No, sir; not much.

Q. It is mostly between Canal Street and Fourteenth Street? A. Yes, sir. 435

Q. You never thought of moving? A. No, sir.

Q. Should you move up if there was no horse road put on Broadway? A. No, sir.

Q. And you wouldn't, if your lease expired to-day, leave where you are? A. No, sir; I don't think we would.

Q. You think you have got a good corner as it is? A. Pretty good corner.

Q. How many clerks have you got in your employ? A. Oh, I suppose there are forty employees in the building.

Q. And how many employees have you got in all? A. Probably three hundred.

Q. And how many partners? A. Three of us.

Q. Three of you? A. Yes, sir.

436 Q. And you want to do better than that? A. Yes, sir.

Q. And that is all the interest you really have in a railroad on Broadway? A. Yes, sir.

Q. And any business that you get you will get away from somebody else? A. I don't know about that.

Q. Do you think people will get more clothes if they can go up Broadway by horse-cars? A. No, sir; you seem to misunderstand me in this thing.

Q. I don't mean too. A. I think it would be a convenience to the public to have a railroad on Broadway; I think the greatest mistake that A. T. Stewart ever made was when he stopped a Broadway railroad.

437 Q. But the convenience that it would be to the public would be to enable them particularly, among other things, to go to Slote's clothing store? A. Yes, sir; I would just as lief they would stop there as not.

Q. And you want to get a bigger share of the business; my question is whether you can get a bigger share of the clothing business without taking it away from some other man's share? A. Well, I suppose we should take it away from somebody if we got more business.

Q. You don't own any property in New York yourself? A. Yes, sir; I do.

Q. Where is it? A. One Hundred and Seventeenth Street.

438 Q. Do you own any other property in New York? A. No.

Q. Do you own any property in Brooklyn? A. Yes, sir.

Q. What part of Brooklyn do you live in? A. Up on the hill—Clermont Avenue.

Q. How do you get to your store; across the Bridge? A. Yes, sir.

Q. How does the Bridge affect your business? A. It helps us, some.

Q. You notice some help from that? A. Yes, sir.

Q. So, though you are hurt by the Elevated Road, you are helped a little by the Bridge? A. Yes, sir.

*By Mr. Scribner :*

Q. Mr. Slote, New York has grown a great deal in your time; hasn't it? A. Yes, sir.



Q. And don't you know that its growth is largely attributable to the introduction of street railroads—extra means of transit that have been afforded? A. Yes, sir. 439

Q. Don't you think that a railroad on Broadway, independently of the pecuniary advantage that you would derive from it, would benefit all your neighbors on Broadway, and not only on Broadway, but in that vicinity? A. I am sure of it.

Q. All the cross streets? A. Yes, sir.

Q. And it would benefit the people of the city in enabling them to get from the points where they live to particular points on Broadway, or along Broadway between the Battery and Fourteenth Street? A. Yes, sir.

*By Mr. Beaman :*

440

Q. You have spoken of its helping retail people; do you think it would help them more than it would the wholesale people? Q. I think it will help us all.

Q. Help you all? A. Yes, sir.

Q. That is your judgment about it personally? A. Yes, sir.

Q. New York City has got to be a big place, hasn't it? A. Yes, sir; I should say so.

Q. And there are lots of ready-made clothing stores here? A. Yes, sir.

Q. And lots of ready-made clothing sold here? A. Yes, sir.

Q. And it has been sold without a railroad on Broadway? A. Yes, sir. 441

*By Mr. Scribner :*

Q. And a Broadway railroad would help Mr. Beaman and Mrs. Boreel, his client, as well as you. A. Yes, sir.

JAMES E. SERRELL, called as a witness on behalf of the petitioner, testified as follows :

*By Mr. Scribner :*

Q. Mr. Serrell, where do you live? A. 310 West Fifty-first street.

Q. What business do you follow? A. I am one of the City Surveyors.

442 Q. And you have been a City Surveyor for about how many years? A. Nearly forty years.

Q. And you have practiced your profession as a City Surveyor in the City of New York very nearly all that time? A. Very nearly all that time; I have been away for a week or two.

Q. You have seen every street railroad built in the City of New York? A. Yes, sir.

Q. The first thing I want to ask you, Mr. Serrell, is what is the average width of the carriageway of Broadway between the Battery and Union Square?

A. From my memoranda of different surveys, the width of Broadway legally is eighty feet.

Q. That takes in the carriageway and the sidewalks, both? A. Yes, sir.

443 Q. That is, from house line to house line it is eighty feet? A. Yes, sir.

Q. Eighty feet from house line to house line? A. Yes, sir; and the sidewalks vary from 17 to 19 feet wide.

Q. Then, that would leave the average width of the carriageway on Broadway what? A. 45 feet; 45 to 46 feet.

Q. Do you know what is the average width of a street railroad track? A. Well, a double track is about 15 feet.

Q. That includes the space between the rails and the space between the two street tracks? A. Yes, sir; it does.

444 Q. That is, five feet from rail to rail, and five feet between tracks, or thereabouts? A. Yes, sir.

Q. That makes a double track, then, occupy in the centre of the street, if it is laid in the centre of the street, about 15 feet? A. Yes, sir.

Q. And you say the average carriageway—the average width of the carriageway—is how much? A. 45 feet.

Q. That would leave about 15 feet on either side? A. Yes, sir; it might vary a foot at different places, because the curbstones are not set regularly.

Q. Brother Beaman is making a good deal of of commotion here about the difficulty that would exist in case of a street railroad running in Broadway—if it were constructed in the centre of Broadway—about trucks being backed up to the curbstone (a very improper way of unloading them anyway); but will you tell me, Mr. Serrell, what is the length of an ordinary truck? A. I measured some

the other day in an accident case, and they were 445  
about 11 feet long, and then the wheels are about one  
or two feet on the inside, so that the space from the  
curbstone out to the front of the truck would proba-  
bly be about nine feet—nine to ten feet.

Q. That is where the trucks are backed up at right  
angles with the curb, and the horses swung around  
at right angles with the trucks? A. Yes, sir.

Q. How long did you say you had been a res-  
ident of the city? A. Since I was a boy; over fifty  
years ago; I have lived in New York now over fifty  
years.

Q. In your opinion would the construction and  
operation of a railroad on Broadway be a good thing  
or a bad thing; a street railroad run by horse power?  
A. I think it would be a good thing; it was favored 446  
as long ago as 1850, and I have a petition—a printed  
petition—which was presented to the Common Coun-  
cil, dated January, 1850, and I believe this has been  
in your possession.

Q. Mr. Serrell, tell me whether the construction of  
a street surface railroad on Broadway, between the  
points I have named—the Battery and Union Square  
—would be a matter of public convenience as well as  
a matter of convenience to the mere residents of  
Broadway? A. I think, sir, it would be a benefit to  
every one who travels on Broadway; getting into a  
stage and out is very troublesome; I have often to  
do it, but I find it is more pleasant to get into a rail-  
road car—to get in and out—and then there is a cer-  
tainty in their movements which there is not in 447  
stages; they are more pleasant in every way.

Q. Mr. Serrell, with regard to blockades on Broad-  
way; first I will ask you, Do you remember when  
the Consolidated Stage Company ran stages on  
Broadway? A. I do, sir.

Q. What lines, twenty years ago, were running  
on Broadway that have since been withdrawn? A.  
Oh, sir, I really don't know.

Q. Do you know that the number of stages  
running now on Broadway is much less than the  
number that were run twenty years ago? A. I  
think it is less.

Q. With regard to blockades on Broadway,  
are they now greater and more numerous than they  
used to be, or less? A. I think they are less, on  
account of the better regulations of the police.

Q. Isn't it also because the number of stages

448 has been greatly lessened? A. It may be from that cause.

Q. What do you say with reference to the traffic on Broadway by ordinary vehicles, whether that would be impeded or promoted by the construction and operation of a railroad, where the carrying vehicles would be confined to a straight, given line?

A. I think, sir, it would be an advantage in every way, particularly in the Winter time, because as soon as ever the snow and ice is cleared off there is no line for travel on any roads except where the track is cleared, and we have not had any severe Winters lately; but upon general principles the street is far better and accessible for travel under the worst circumstances (which is in Winter, when there is snow and ice on the street) where there is a railroad than where there is none.

Q. In other words, isn't it a matter of your observation and your experience that even in Winter, when the streets are blockaded by snow, that trucks and carriages and other ordinary vehicles seek the streets in which street-car tracks are laid in preference to streets where no railroads exist? A. Yes, sir; and at other seasons of the year as well, because it is so much easier to move a load on the tracks than on the pavement; I have driven my own horse and wagon in the City of New York for over twenty years; but lately, since the Elevated Road has begun, I did not use it because I did not need it; after the construction of the elevated road I dispensed with my horse and wagon.

Q. But when you were accustomed to drive your own horse and wagon, did you drive in streets where car tracks were laid in preference to streets where no tracks had been laid? A. Yes, sir; and I had my wagon made so that the tires were a quarter of an inch wider than the felloes, so that I could drive in the tracks whenever I wanted to without injuring the wheel.

Q. Mr. Serrall, something has been said about obstructions in streets caused by repaving, or the excavations required to connect houses with a sewer, or the laying of water mains or anything of that kind; you are familiar with works of that kind, are you not? A. I am, sir; and the railroad companies when anything of the kind happens on their tracks, they run heavy beams that they travel over, and that portion of the street has to be kept

open which under other circumstances would have to be blockaded if it was not for the railroad tracks. 451

Q. Now, suppose, Mr. Serrell, that a railroad track was laid on Broadway—a double railroad track between the Battery and Union Square—and suppose the railroad company complied with the duty which is enjoined upon them by the ordinance recently passed by the Common Council, which this road must comply with if it accepts the consent of the Common Council—that is to say, that the railroad company is required to pave the space between its rails and between its tracks and two feet on each side (that would be nineteen feet in all); suppose the railroad company complies with that duty, and it becomes necessary for the Department of Public Works to repave the other portion of the carriage-way of Broadway, would there be any difficulty in doing it with the tracks there? A. No, sir; I had charge of Broadway from Thirty-second to Fifty-ninth Street, and we laid those tracks of the Broadway road, and we had no difficulty at all in that instance. 452

Q. You mean that you, as a civil engineer, had charge of the location of the tracks on Broadway between Thirty-second Street and Fifty-ninth Street? A. They only went up to Forty-fourth Street.

Q. And then up the Seventh Avenue? A. Yes, sir.

Q. Where those tracks were laid on Broadway between Thirty-second Street and Forty-fourth Street, did the city repave the street between those points? A. They did, sir. 453

Q. When was that done? A. I think about five or six years ago; I don't recollect now distinctly; I have the date at home.

Q. Won't you please tell the Commissioners how that public improvement was being conducted; whether there was any interruption of street-car travel? A. No, sir.

Q. Was not? A. No, sir.

Q. Were the public put to any inconvenience other than that which would naturally follow from the repavement of a street in which no street railroad tracks existed? A. The public were better accommodated because there was always a line on which they could travel on the same tracks as the railroad company's cars.

Q. In other words, the railroad company, or you

454 for the railroad company, kept those tracks open all the time? A. I did, sir; and when it was necessary to change them we laid a separate track before we took up the other one, because they changed from one side of the track to the other.

Q. Mr. Serrell, do you happen to remember that about that time on Broadway in the vicinity of Thirty-second Street there was a public sewer excavated. A. No, sir; I cannot charge my memory with it.

Q. Let me jog your memory, Mr. Serrell; don't you remember a period of time, some three or four or five years ago, when in consequence of the excavation of a sewer in Broadway where no sewer had previously existed, at the vicinity of Thirty-second Street, that the Broadway and Seventh Avenue cars were for several months run, both up and down, on a single track? A. They were, sir, there by that little square.

Q. By the Dime Savings Bank, wasn't it? A. Yes, sir.

Q. Would there be any difficulty in conducting an operation of this kind, and in operating a road, both up and down, on a single track, for a single block, in any other part of Broadway equally as well as at Thirty-second Street? A. I think it could be done equally as well, because the cars when they come down each one waits for the other, and each passes right along; the operation of the road is sometimes delayed for half a minute, but  
456 hardly ever more than half a minute.

Q. Let me ask you this question; is there any practical engineering difficulty in respect to the construction or operation of a horse railroad on Broadway which does not apply to any other street of the city equally as well? A. No, sir.

*Commissioner Harris:* Let me ask you one question; how much does the body of a horse-car overhang the rail? A. About one foot and three inches.

*Commissioner Harris:* On each side? A. On each side; and I would state that Broadway is all sand, and that in many other streets and avenues where rock has to be blasted it is far more difficult for the construction of a sewer or anything like that than it would be where there is all sand.

*By Mr. Beaman :*

457

Q. You spoke of having something to do with the laying of the track of the Broadway and Seventh Avenue Railroad Company some years ago? A. Yes, sir.

Q. In whose employ were you? A. I have been employed by all the different companies, I think, at different times; I had charge for Mr. Law; I had charge for the Ninth Avenue and for different companies at different times—only professionally; they would say, "We want the grade of this street; we want you to give us stakes to put these lines down."

Q. And you have been employed by this Broadway Road? A. Yes, sir; I had charge of the construction of the depot, under Mr. Law, some years ago. 458

Q. You are a person who is often employed by Mr. Sharp and his various roads? A. Yes, sir; I am now; I am making some maps now.

Q. Your work is to a very considerable extent on behalf of horse railroads? A. No, sir; not one-twentieth part of my business.

Q. Is there any other engineer who has had so much to do with the matter of horse railroads as you? A. I don't know, sir; I only speak of my own experience.

Q. Do you know of anybody else? A. I think a party by the name of Mellandy.

Q. But you don't know any live man who has so much to do with them as you have? A. Probably not. 459

Q. You have had a great deal to do, and while you are not mainly employed at that you know of no other person who has had so much experience in that work? A. I have had a great deal to do with it; yes, sir.

Q. You say you are a city surveyor? A. Yes, sir.

Q. What constitutes a city surveyor? A. When I was appointed it was a charter appointment under the old charter; I was appointed by Mayor Harper on the 3d of April, 1845; I had been an assistant previous to that for five or six years.

Q. It doesn't mean any employment by the city? A. No, sir; it is no salaried office.

Q. It is an appointment, as it were, the same as

460 the appointment of a notary public or a commissioner of deeds—a party that the city thinks is competent for such service; that is all there is about it, isn't it? A. That is all it means now, sir; but the form of ordinance is different.

Q. But it never gave you any salary, and never necessitated any employment by the city? A. No, sir.

Q. Now, you have at your office accurate maps of Broadway between the Battery and Union Square? A. No, sir; I have measurements at various points which show the width—which establish the width within a foot or so.

Q. But you have no maps or anything at your office that would show us how wide Broadway is? 461 A. Yes, sir; I have made a great many surveys on the line of Broadway (and Broadway, as I stated before, is eighty feet wide, legally, including the sidewalks) giving the measurements of vaults, and curbs, and gutters, &c; I have here in my pocket now a memorandum of different widths of sidewalks.

Q. Will you produce the memorandum you have in your pocket? A. Yes, sir; the last Broadway survey that I have on my books was the St. Nicholas Hotel, which was taken down and is being rebuilt; sidewalk, seventeen feet two inches wide; I have taken these measurements off of the books from surveys I made; seventeen feet at Howard Street; nineteen feet seven inches at Waverly Place; seventeen feet four inches opposite to St. Paul's Church; 462 seventeen feet three inches at Houston Street; nineteen feet three inches at 252 Broadway; eighteen feet ten inches at 31 and 33 Broadway; eighteen feet eight inches at 369 Broadway; those are just what I took off; I got notice to appear here at one o'clock or half-past one, and I just took these memoranda to bring them down.

Q. And those are memoranda of the width of the sidewalks? A. Yes, sir.

Q. And it includes both sidewalks, as I understand it? A. No, sir; only includes one sidewalk; the other one would be substantially the same width.

Q. And you don't have measurements of the other sidewalks? A. Well, some of these are on one side and some on the other.

Q. Have you any measurements actually taken of



the width of Broadway in any place from curb to curb? A. Yes, but I haven't any here. 463

Q. Will you hereafter produce, at our next meeting, such measurements as you have? A. Well, those measurements could only be taken at night.

Q. I mean such measurements as you have already taken? A. Well, those I would not like to swear to, because—; it would vary from forty-two to forty-five feet wide; I am sure that would be the average width.

Q. I think we would like to get the actual measurements, Mr. Serrell? A. I wouldn't testify before this Commission or produce a map unless it was from actual measurements now, for this reason, that I do not know the changes curbs may have taken; I don't know the exact location now, and perhaps it would not be wise for me now to go back a number of years where they have been changed; but if the Commissioners and counsel desire it I will do the best I can between now and to-morrow. 464

Q. It is not important for you to be here to-morrow; if it is not convenient for you to come here to-morrow the session after to-morrow will do. A. Do you meet every day?

Q. No, sir, we do not; we will meet again perhaps Monday or Tuesday; there is no day fixed, but there probably will be before you get through, Mr. Serrell; I will not further cross-examine you, then, on the details of the width until we have some more definite information.

Q. You have said that you have measured certain trucks? A. Yes, sir; I have, sir; I measured trucks in accident cases; I measured trucks for the Ninth Avenue Company, and different other parties. 465

Q. What do you mean by accident? A. The railroad company ran into a truck or a truck ran into a railroad car, and they wanted to know how large the truck was.

Q. Who wanted to know? A. The court and jury in trying the cases.

Q. Which side were you for? A. One time for one side and another for the other.

Q. Which side were you upon when you measured this thing the other day? A. The last one I measured, the case has not been tried yet.

Q. You have been measuring, then, the length of trucks? A. Yes, sir.

Q. How many did you measure? A. Two the

466 last time, and different ones before; I measured the actual truck where the accident happened.

Q. You have not measured any trucks for the purpose of testifying in this case at all? A. No, sir.

Q. Now, you found trucks to be what length? A. The platform about 11 feet long, and the hind wheels about one foot and one-half within the line of the rear, so that they would occupy about 9 feet 6 inches from the curbstone up.

Q. And the whole length of the truck and pole, supposing it was not turned around, would be about how much? A. Well, that would be probably nearly twice as much.

Q. Somewhere about 20 feet or more? A. Yes, 467 sir; 21 or 22 feet.

Q. Now, if the truck was back against the curb, and the horses, whether turned up or down Broadway, wouldn't the forward wheels extend beyond the front of the truck, or the floor of the truck? A. Depends upon how they are swung; they don't generally extend but a little beyond the front of the truck.

Q. But they do sometimes; don't they? A. Oh, sometimes, probably; never more than a foot.

Q. Then isn't it true that the forward wheels of these trucks, or any of them certainly, when they are backed up to the curb do project beyond the floor? A. No, I do not think they do in front; they sometimes do behind, very seldom in front.

Q. And the cars themselves project, as I understand, a foot and three inches beyond the track? A. 468 Yes, sir; a foot and three inches beyond the track.

Q. Is that the extreme limit? A. That is the extreme limit of the board—the guard-board on the centre of the car below the windows; that is called the guard-board.

Q. That is not the part of the car that projects the most; is it? A. Yes, sir; that projects the most.

Q. Does it project beyond the rails that stand out each side of the car at the front or end? A. Those are within the line of the car.

Q. They are within the line of the car? A. Yes, sir, and the guard board is the furthest protection.

Q. Now, then, what is the extreme width of the

car then? A. Well, they vary; about 7 feet 6 469 inches.

Q. Seven feet 6 inches? A. Yes, sir; that is the extreme width; that would be 1 foot and 3 inches towards the curb—the extension beyond the line of the outside rail.

Q. Exactly; now, what is the exact width of the car track? A. The inside is 4 feet 8½ inches—4 feet 9, and from outside to outside of the two tracks, including the middle space, is about 15 feet—some of them less.

Q. I am talking of a single track now. A. Well, a single track would be 4 feet 8½ to 4 feet 9 between the rails, and the rails would make up the difference between 5 feet—about 5 feet.

Q. Five feet between the outside of the rails? A. 470 Yes, sir.

Q. And what is the usual distance between the tracks? A. Well, about 5 feet.

Q. Independent of tracks? A. Yes, sir.

Q. So that the ordinary track, as it exists, say on Broadway between Eighteenth Street and Twenty-third Street, is 15 feet wide? A. I think it is a little narrower there, but I have not measured it; I think they are a little contracted there.

Q. You think it is a little narrower there? A. Yes, sir.

Q. How much would you think it was narrowed? A. I should think 2 or 3 inches.

Q. Did you lay it there? A. No, not the lower part; I think the upper part, above Thirty-second 471 Street, is 5 feet between the tracks—above Thirty-second Street.

Q. You have stated that you used to ride around a good deal in your own wagon? A. I did, sir.

Q. How long since you have given it up? A. About four years.

Q. And you had your wheels fixed? A. I had the tires made a quarter of an inch wider than the felloes, so that when I ran in the tracks it would not cut the wood.

Q. Would not cut the wood of your felloes? A. Yes, sir.

Q. Did you alter the tread of your wagon? A. No, sir; the tread of the wagon is generally the same.

Q. About how much is the usual tread of a wagon? A. 4 feet 8 inches.

472 Q. Then the railroad tracks are so arranged that they are convenient for the ordinary run of wagons? A. No, sir; the ordinary run of wagons is very variable; trucks and heavy wagons and stages are probably a foot wider; they are about 5 feet 6 or 5 feet 8; you will notice in Broadway where they travel, or where there is a car track, that one wheel travels in the track and the other on the pavement, and you see a line of depression where the wheels have worn the pavement outside.

Q. And is it so with the ordinary trucks, that they are wider? A. They are wider, yes, sir; but they vary.

Q. How are the ordinary cabs and coaches? A. Well, I don't know much about them; coaches about 4 feet 8 wide.

473 Q. How are the ordinary pleasure wagons, buggies and such things? A. About the same as mine was—about 4 feet 8 inches.

Q. Then the ordinary pleasure wagon, you think, would run in the tracks—track in both tracks? A. Yes, sir.

Q. You had yours altered and made wider; didn't you? A. No, sir; I had only the tires made wider so that when I went in the track instead of cutting the wood of the felloes they took the wear upon the projecting tire which was increased in width about one-eighth of an inch on each side of the felloes.

474 Q. Didn't you make yours so wide that you would not get into the ruts of the track? A. No, sir; didn't regard that at all; I made it so that when I ran in the tracks, which I had very often to do, that it would not cut the wood of the felloes of the wheels.

Q. When did you adopt that plan? A. Oh, I don't know how long ago; fifteen or twenty years ago.

Q. And you adopted it as long as you used a wagon? A. Yes, sir, I did.

Q. Do you own any stock in horse railroads? A. No, sir.

Q. Have you ever owned any? A. No, sir.

Q. Do you own any property in the City of New York? A. Well, a little.

Q. Where is it? A. Some in Westchester, my house in Twenty-sixth Street and some in Fifty-eighth Street.

Q. Where is your office? A. Up in Fifty-first street now; I moved up town. 475

Q. You moved your office up town? A. Yes, sir; I used to be in Twenty-sixth Street.

Q. How long ago? A. I moved up to Fifty-eighth Street about ten years ago, and then I moved down to Fifty-first Street.

Q. Where had your office been before? A. For twenty-seven years at 43 West Twenty-sixth Street; it is now at 310 West Fifty-first Street.

Q. Twenty-seven years ago you were up town? A. Yes, sir.

Q. And you never had an office down town? A. No, sir.

Q. The course of your business is mostly up town or down town? A. Well, up town; I get down town, but most of my business is up town. 476

Q. But most of your business is up town and has been for many years, since you were city surveyor? A. Yes, sir; as there were more improvements up town than any other place.

Q. And you want to be where the improvements are going on? A. Yes, sir.

Q. And they have been going on up town the last twenty-seven years that you have seen? A. A great many improvements; I have surveyed a great many lots; I have memoranda of 15,000 to 17,000 surveys that I have made.

Q. Of lots that you have made surveys of? A. Yes, sir.

Q. And have kept records of them? A. Yes, sir. 477

Q. When you were first made city surveyor where was your office? A. 43 West Twenty-sixth Street.

Q. That is where you now live? A. No, sir; I live at 310 West Fifty-first Street.

*Mr. Horace Russell:* I am permitted to appear for Cornelia M. Stewart and Henry Hilton; Mrs. Stewart owns property between Fourteenth Street and Eighth Street, and Mr. Hilton owns property between Eighth Street and Fourth Street, and between Reade and Chambers Street; I wish to say in their behalf that they are in favor of granting a franchise to this Broadway Street Surface Railroad Company; more than that Mr. Beaman is not willing that I shall say at this stage of things, except

478 as a witness ; I want that to go on the record ; that is all.

*Cross-examination of Mr. Serrell continued by Mr. Beaman as follows :*

Q. You have never practically had anything to do with the moving of trucks or loads on the lower part of Broadway, below Fourteenth Street, have you ? A. No, sir.

Q. Or with the driving of loaded teams ? A. No, sir.

Q. And in driving around with your buggy with its broad tire you have been more or less up town ? A. Been all over, sir.

479 Q. But mostly up town ? A. Mostly among the railroads, because there are more railroads up town than down town.

Q. You have spoken about a certain petition that was made about a horse railroad on Broadway some years ago, which you have to-day with you ? A. Yes, sir.

Q. You were in favor of it then ? A. Yes, sir ; I have the original printed paper that was posted in my office for signatures, dated January, 1850.

Q. And you were instrumental in trying to get signatures to that at the time ? A. Yes, sir ; I always was in favor of railroads even before I had any employment from them.

480 Q. And you are still of the same opinion about it ? A. Yes, sir ; I believe they are the best improvement of the day.

Q. Have you ever had anything to do, as a city officer, with the business of opening streets and making sewers, and all those things ? A. I have—a great deal ; I had charge of the Second Avenue from Twenty-eighth Street to the Harlem River, and finished it a great many years ago ; that is one of the largest jobs, I believe, ever done in the city.

Q. That is when it was all open country up there ? A. Yes, sir ; nearly all open country across the marshes.

Q. Have you had anything to do with the opening of any parts of Broadway below Fourteenth Street ? A. That was before I was born—below Fourteenth Street—and before any of us were born ; in widening and straightening Broadway up

above Thirty-second Street, which was formly the 481  
Bloomingdale Road up to—

Q. Mr. Serrell, I think you misunderstood me ; and it is very probable that you did because I spoke of the opening of Broadway, which you understood to mean opening it as a street ; what I meant was opening it for the purpose of putting in pipes—gas-pipes, water-pipes, and all such things ? A. Yes, sir.

Q. Have you had anything to do with that ? A. I have.

Q. Below Fourteenth Street ? A. I have ; yes, sir.

Q. In whose employ ? A. I have acted in the construction of sewers under the Croton Department under Mr. Dean ; I don't recollect now exactly what particular place, but I know I have had 482  
charge of work down in that neighborhood.

Q. Not in recent years ? A. No, sir ; there was nothing done in recent years that I am aware of.

Q. You have spoken of the travel on horse-car roads instead of the travel on other roads in the Winter time when there is snow on the ground ; what do you mean to be understood by that ? A. I will state this : as soon as ever a snow falls, the railroad companies start their sweeper and get the road clear, and throw it upon the sides, and that is oftentimes the only accessible line of travel ; and we will take as an illustration Fifth Avenue and Madison Avenue, and some of those avenues that have been filled up with snow and ice ; there they 483  
pile it up right in the middle of the avenue, as high as this desk and 10 feet wide, sometimes—

Q. You have seen it as wide as that on the side of the horse-car track, haven't you ? A. Yes, sir ; I have seen it as wide as that on the side of a horse-car track, in Twenty-third Street, where the sidewalks are thirty feet wide on each side, and they shovel it out, thirty feet wide—that is from one side—and the railroad tract only seven one-half feet, so that the amount of snow thrown from the sidewalk is four times as much as that is thrown from the railroad track to fill up this space.

Q. But the general result is that the space between the railroad track and the sidewalk is very much filled up—piled up ? A. Yes, sir ; it has got to be placed somewhere, or carried away ; and it is placed in there, and so gives a continuous line of travel for

484 all kinds of vehicles, excepting sleighs ; they cannot travel on the tracks.

Q. All you mean to say about this is, and all the fact is, isn't it, if the cars clear their tracks it is easier for the wagons to go along the place they have cleared than on the side where they have put the snow? A. No, sir ; I do not say so ; I say it would be better in that street than it would be in a street where there weren't any tracks, because there isn't any substantial mode of clearing any snow off a street where the travel is by any means, excepting the Street Cleaning Department.

Q. You mean the carting off of the snow? A. Yes, sir ; the carting off of the snow.

485 Q. Isn't this the effect of snow in the City of New York, that if Broadway is cleaned from snow, and the rest of the north and south streets, below Fourteenth Street, are not cleared of snow, that in the Winter time the tendency of travel is to go to Broadway? A. With the clearing away of snow from Broadway, it don't make any difference whether the tracks are there or not.

Q. Well, isn't the tendency of travel to Broadway in Winter time, if there is snow on the other streets? A. People generally go the easiest way.

Q. Broadway would then be the easiest way, wouldn't it? A. I think it would be easier for a truck to go there then than it is now.

486 Q. It would be easier, whether there was any track there or not, if the snow was not there, wouldn't it? A. It would be the same as in Summer time, if there is no snow there.

Q. Isn't the tendency of travel to Broadway in the Winter time if there is snow on the other streets? A. That depends upon whether it is cleared by the Street Cleaning Department.

Q. Well, if it is cleared? A. Yes, sir ; if it is cleared.

Q. If there is no snow on Broadway, and there is snow in the other streets, the tendency of all loaded teams is to Broadway, isn't it? A. Yes, sir.

Q. And, therefore, Broadway is more crowded in Winter time than it is in Summer time ; isn't it, if there is snow on the ground? A. Well, if there is more business done in the Winter time ; that depends upon the amount of business.

Q. Well, as to the amount of business, and truck-



ing and such things, you are not an expert, are you? 487  
 A. No, sir.

*By Mr. Scribner :*

Q. I call your attention again to the words of the provision attached to the consent of the Common Council, which has been put in evidence in this case; it states: "That said Company shall comply with all reasonable ordinances or regulations which the local authorities, having charge of the streets, avenues, roads or highways, in the City of New York, shall make, as to the rate of speed, mode of use of tracks, and removal of ice and snow from said tracks, as the interests and convenience of the public may require." Now, then, assuming that the Common Council shall direct the removal of snow by the railroad company from its tracks, wouldn't that tend to the public advantage in Broadway, in saving the city of the expense which is now actually incurred for the removal of snow? A. Yes, sir; if the railroad companies remove it, of course. 488

Q. Mr. Serrell, isn't the carriage-way of Broadway, above Fourteenth street, or above Seventeenth Street, where the Broadway and Seventh Avenue Railroad Company now, and for many years, has used and operated double tracks considerably narrower than it is at almost any point between Fourteenth Street and the Battery? A. From Seventeenth Street up to Thirty-second Street, Broadway is 75 feet wide; the sidewalks are 17 feet 6 inches, and that reduces the carriage-way to very considerably less than any portion of Broadway below Fourteenth street. 489

Q. And Broadway itself, between Seventeenth Street and Thirty-second Street, you say is only 75 feet wide? A. Yes, sir; that is all.

Q. Whereas below Fourteenth Street it is 80 feet wide? A. Yes, sir.

Q. So that there is a difference of 5 feet? A. Yes, sir.

Q. Independently of the width of sidewalks? A. Yes, sir; and the sidewalks of Broadway, from Seventeenth Street to Thirty-second Street, are about the same width as they are in Broadway below Fourteenth Street.

Q. Therefore, the carriage-way, as near as you can get at it now, without accurate measurements

490 at the present time, between Seventeenth Street and Thirty-second Street, where the Broadway and Seventh Avenue Railroad Company has used and operated a double-track railroad for many years past, is 5 feet, as near as you can get at it, narrower than it is between Fourteenth Street and the Battery? A. Yes, sir; if the Commission wishes, I will give them the width between the curbs from, say, Seventeenth Street to Thirty-second Street.

Q. Just have those measurements so that you can testify about them to-morrow? A. Yes, sir; I will have to do it to-night.

491 LAWSON N. FULLER, called as a witness on behalf of the petitioner, sworn, testified as follows:

*By Mr. Scribner:*

Q. Mr. Fuller, where do you reside? A. One Hundred and Fifty-fifth Street.

Q. How long have you been a resident of the City of New York? A. Forty years, sir.

Q. You have been familiar with Broadway all that time, have you not? A. Yes, sir.

Q. If you have lived here forty years you have seen all the street railroads in the city built, have you not? A. Yes, sir.

Q. Do you remember which was the first one built? A. I do not.

492 Q. You have given the subject of the advisability and practicability of the construction and operation of a railroad on Broadway a good deal of consideration recently, haven't you? A. Yes, sir.

Q. How much time during last Summer, if any, did you devote to ascertain the wishes of property-owners on Broadway, between Fourteenth Street and the Battery in respect to the construction and operation of a railroad on Broadway? A. About four months.

Q. You were acting for a rival railroad company, were you not at that time? A. Yes, sir.

Q. And securing consents to the construction of a railroad on Broadway by property-owners? A. Yes, sir.

Q. Do you know how many, or what proportion in value, of the property-owners on Broadway, between Fourteenth Street and the Battery, have

consented to the construction of a railroad on Broadway? 493

*Mr. Beaman*: If you will allow me to ask Mr. Fuller a few questions as to how his knowledge was obtained, it will, perhaps, obviate the objection.

*Commissioner Harris*: Yes, sir.

*By Mr. Beaman*:

Q. Your knowledge on this subject is obtained by the fact that these gentlemen, or some of them, have signed their names to certain consents that you produced to them; isn't that it? A. Yes, sir.

Q. And that is the way you have obtained your knowledge? A. Yes, sir.

Q. And in no other way? A. Conversation with them, of course. 494

Q. But so far as any consent has actually been given, that you actually know of, it has been given to you in writing? A. Yes, sir.

Q. Well, Mr. Fuller, tell me from what property-owners on Broadway, if any, you personally procured consents?

*Mr. Beaman*: Same objection.

*Commissioner Harris*: You can say to whom you applied.

*Mr. Scribner*: Yes, sir; that is it.

*Mr. Beaman*: Is the question allowed?

*Commissioner Harris*: Yes, sir.

*Mr. Beaman*: I then except.

*The Witness*: What is the question? 495

(Question repeated.)

A. Thomas Faye—of course I can remember but a few of them now—Thomas Faye; the Methodist Book Concern, Sailors' Snug Harbor Property, 181 Broadway; N. Y. Life Insurance Company, 7, 9 and 11 Broadway—

Q. Who is the owner of 7, 9 and 11 Broadway? A. A man by the name of Stone was then; and the Haight estate—there were four or five numbers, I don't know but six or eight—along about 156 Broadway.

Q. The Haight estate, is that the estate that owns the St. Nicholas Hotel? A. No, sir; that is another Haight; down Broadway, about 156; the East River Bank, the Park Bank, *Herald* Building, *Post* Building.

Q. That is the *Evening Post*? A. Yes, sir; and a great many more that I cannot recall now.

496 Q. Mr. Fuller, just tell the Commission, if you please, as an old resident of New York, whether, in your opinion a horse railroad on Broadway, between the Battery and Union Square would or would not be of a general public advantage, and if you say yes that it would be of advantage, please state your reasons? A. Well, I think a railroad on Broadway would be an advantage.

Q. To the general public? A. Yes, sir; and would have been for the last thirty years.

Q. Now, the question calls for your reasons for that opinion? A. From the fact that I do not think there has ever been a railroad laid in the City of New York that has not been a public advantage, and I think it would be just as great an advantage  
497 to Broadway as to any other street or avenue, and I think that Broadway property would have been much more valuable to-day if they had a railroad on Broadway.

Q. Mr. Fuller, my question relates only to the good of the general public, without regard to the property-owners on Broadway, and by the general public is meant not the people on Broadway and not the people on the side streets, but the people of the entire city and the State; do you say that the general public, comprehending the people of the entire State as I have said, would be benefited by the construction and operation of a railroad between Union Square and the Battery on Broadway? A. I do.

Q. Have you any interest whatever in the Broadway Surface Railroad, Mr. Fuller? A. No, sir; I  
498 have no interest in any Broadway road or any other road.

Q. Have you conversed with numerous people on the subject of the construction and operation of a railroad on Broadway, between the Battery and Union Square? A. Yes, sir.

Q. Now, will you please say a little more extensively than you have what you think would be advantages to the general public by the construction and operation of a surface railroad on Broadway? A. I think it would afford them facilities for getting up and down town more rapidly than those now on Broadway.

Q. Is there any method of reaching—that is, any public conveyance for reaching—any point on Broadway between the Battery and Union Square, other

than the omnibuses that are now running? A. No, 499  
sir.

Q. What, in your opinion, would be the effect of the construction and operation of a street surface railroad on Broadway, between the Battery and Union Square, provided the stages were withdrawn, upon the general traffic in the street; that is to say, would the construction and operation of a street railroad tend to embarrass and blockade the street, or would it, in your opinion, prevent blockades? A. I think it would facilitate travel.

*Cross-examination by Mr. Beaman :*

Q. You are the same person, Mr. Fuller, who testified before the former Commission, consisting 500  
of these same gentlemen, are you not? A. I testified before them.

Q. And you are the same Mr. Fuller? A. Yes, sir; a little older.

Q. Made any public speeches since then? A. Yes, sir.

Q. Before the Board of Aldermen? A. Yes, sir.

Q. You are still in the employ of the Cable Company? A. No, sir.

Q. When did you leave their employ? A. I don't remember exactly.

Q. Well, try to remember, as near as you can? A. I have never been in their employ directly; I don't know that I have ever been in their employ.

Q. Well, are you still in the business of getting 501  
consents from property owners on Broadway? A. No, sir.

Q. When did you give that up? A. About a month or six weeks ago.

Q. Why did you give it up? A. Because we got enough.

Q. Who got enough? A. The parties that were getting the consents.

Q. Who were those parties? A. Myself, and Mr. Beyer, and Mr. Booth, and probably fifteen or twenty other gentlemen who assisted in one way or another.

Q. What do you mean by "got enough"? A. Got a majority.

Q. Where are they? A. I don't know.

Q. What did you do with the ones that you got?

502 A. I handed them to a gentleman in an office in Cortlandt Street.

Q. What number? A. I don't remember the number.

Q. What office? A. Smith Building, I think it is called.

Q. Whose office? A. I don't know whose office; George H. Warren is there in the office.

Q. What names are on the door? A. I don't remember as there was any name.

Q. Who was George H. Warren? A. I don't know, only that it was George H. Warren.

Q. Did you ever see him or have much to do with him? A. No, sir.

503 Q. Don't you know who this man was whom you handed them to? A. I laid them on Mr. Warren's table.

Q. Was he there? A. No, sir.

Q. Was anybody else there? A. There was a boy there.

Q. Did you say anything to the boy? A. I said to the boy that there was a paper for Mr. Warren.

Q. Was there more than one paper? A. I think there were half a dozen pinned together.

Q. Anybody else in the office? A. I don't remember.

Q. Did you ever go there before? A. Yes, sir.

504 Q. What did you go there about? A. Sometimes to get a drink of water, sometimes to wash my hands, sometimes to take a little rest; I was acquainted with one or two gentlemen in the office.

Q. What floor was it on? A. I don't remember.

Q. How many floors did you go up to get a drink of water? A. Sometimes one, sometimes two and sometimes three.

Q. Can't you tell me the number in Fulton Street? A. I don't remember; it strikes me it must be 15.

Q. 15 Fulton? A. No, sir; Cortlandt.

Q. Which side of the street is it? A. South side.

Q. Whom did you ever see there besides this Mr. Warren? A. Well, I have seen a great many men.

Q. Well, name some of them? A. Mr. Booth, Mr. Beyer—

Q. What Booth? A. I don't know his given name.

Q. Where does he live? A. I don't know where he lives. 505

Q. Where does Mr. Warren live? A. I don't know where he lives.

Q. Who told you this was Booth? A. I was introduced to him as Mr. Booth.

Q. Who introduced you? A. I don't remember; I won't swear his name was Booth either.

Q. You are very careful what you swear to? A. Yes, sir.

Q. Even if you swear what other people think? A. I presume it was Mr. Booth; I was told so; I don't know who you are only from what I am told.

Q. Well, who else did you ever see there? A. Well, I saw two or three ladies there.

Q. Well, what were their names? A. I don't remember. 506

Q. Were you introduced to them? A. No, sir.

Q. Were they there when you left this paper there? A. No, sir.

Q. Whom were they with? A. I don't know.

Q. What were they doing there? A. I don't know.

Q. Did they have their coats and bonnets on? A. I think they had on circulars.

Q. Describe what you mean? A. Well, I am not much at describing dress; I should not call them coats, I should call them circulars.

Q. Did they have on bonnets or hats? A. I think they had on hats. 507

Q. Then apparently they were not employed in this place? A. No, sir.

Q. Can't you think of any other man that you ever saw there? A. I don't recall their names; I am very poor on names, sir; very poor on names; I don't remember names well.

Q. Also poor on location? A. No; I am good on location.

Q. What number was this? A. I think it was 15; I can go to it.

Q. What floor was it on? A. I don't remember the floor, but I can guess.

Q. Well, guess. A. I think it was about the fifth floor.

Q. Elevator there? A. Yes, sir; it was when I left there.

508 Q. When did you leave? A. I have not been there in four weeks.

Q. Have you been there since you left those papees there? A. Yes, sir.

Q. What did you go there for? A. To see a friend.

Q. What friend? A. I don't really remember his name.

Q. Did you ever see him before? A. Yes, sir.

Q. Was it Mr. Warren? A. No, sir.

Q. Was it Mr. Booth? A. No, sir.

Q. Was it either one of these ladies? A. No, sir.

Q. You have no idea who it was? A. Yes, sir.

509 Q. Did you go there by appointment? A. No, sir.

Q. How did you know he was going to be there? A. I didn't know he was going to be there.

Q. You said you went there to meet him. A. I said I went there to see him.

Q. Did you go to see him there? A. Yes, sir.

Q. What reason had you for going to see him? A. I wanted to see him about something.

Q. Has he generally been in the office when you went there? A. Yes, sir.

Q. How long have you known him? A. Probably four months.

Q. Who introduced him to you. A. I don't remember.

510 Q. Why do you call him a friend? A. I have no reason to think he is anything else.

Q. Is that the only reason you have for calling him a friend? A. Yes, sir.

Q. Because you don't know that he is your enemy? A. Yes, sir.

Q. But he is a man whose name you don't know? A. I should know it if you named his name; if you should call over a few more I might hit it.

Q. Well, we have not much more time to run over; you must try to think of those things; you don't know what his business is? A. He is a clerk.

Q. Whose clerk? A. I don't know.

Q. What does he do as a clerk? A. Well, that is pretty hard for me to tell.

Q. What did you ever see him do? A. Saw him writing.

Q. For whom? A. I don't know.



Q. Well, did you find him when you got there? 511  
A. Yes, sir.

Q. What took place between you and him? A. I don't remember.

Q. How long were you there? A. I don't remember that; probably two or three minutes; I wanted to ask him some question, and I forgot what that was, even.

Q. Did he know what you wanted to ask him? did he answer you what you asked him? A. I think not.

Q. Why not? A. He didn't know.

Q. You and he any relatives? A. No, sir.

Q. Only friends? A. That is all; I couldn't swear that he was a friend, even.

Q. Have you seen him since? A. No, sir. 512

Q. Do you know whether he is still employed there? A. I do not.

Q. Have you seen Mr. Warren since you left those papers there? A. No, sir; I didn't see him when I left them.

Q. Do you know where he lives? A. I do not, sir.

Q. Why did you leave them with Mr. Warren, or on Mr. Warren's desk? A. I beg your pardon?

Q. Why did you leave them on Mr. Warren's desk? A. Well, I happened to walk in by his desk, and he was not sitting at the desk and there was a young man in the office, and I told him to hand them to Mr. Warren because there was no one else in. 513

Q. Why did you ask him to hand them to Mr. Warren? A. Well, I do not remember any particular reason; I happened to remember his name, I suppose.

Q. Are there any names on the door of this room that will enable you to remember as you go in whom you went to see? A. No, sir; I don't remember any names being on the doors or on the rooms, or anything else.

Q. Don't know what number it is? A. I have guessed what it was.

Q. You mean the number of the room? A. No, sir.

Q. Now, let me hear you describe the way I would get into this building if I was going to go there? A. I will take you there; I should not want you to go astray.

- 514 Q. Well, then I will go there now with you ; that is all I want to know—where this room is. A. All right, sir.

Adjourned to Tuesday, January 13th, 1885, 1 P. M.

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NEW YORK, January 13th, 1885.

- 515 *Mr. Scribner* : If the Commissioners please, the resolution of the Common Council, which I introduced in evidence the first day that your Honors sat, calls for an obligation or instrument on behalf of the Broadway Surface Railroad Company indicating its acceptance of the terms and conditions of the resolution of the Common Council, which is to be filed with the Comptroller. The resolution also calls for a bond in the penalty of \$100,000, to be executed by the Broadway Surface Railroad Company, and approved by a Justice of the Supreme Court, binding the company to comply with, fulfill and keep the terms and conditions of the resolution of the Common Council granting the consent of the city.

That obligation, and that bond with the approval of Justice Donohue, were yesterday filed with the Comptroller, and I put in evidence to-day copies of those papers.

- 516 *Know all Men by these Presents*, That we, THE BROADWAY SURFACE RAILROAD COMPANY, as principal, and JACOB SHARP, THOMAS B. KERR, MOORES M. WHITE, and GEORGE N. CURTIS, as sureties, are held and firmly bound unto THE MAYOR, ALDERMEN, AND COMMONALTY OF THE CITY OF NEW YORK, in the penal sum of One hundred thousand dollars, lawful money of the United States of America, to be paid to said The Mayor, Aldermen and Commonalty of the City of New York, their successors or assigns, for which payment well and truly to be made we bind ourselves and our successors and our heirs, executors and administrators, firmly by these presents. Sealed with our seals. Dated the fifth day of January, one thousand eight hundred and eighty-five.

*Whereas*, The Common Council of the City of New York heretofore and by certain resolutions of

the Board of Aldermen of said city passed and 517  
 adopted on or about the fifth day of December, 1884,  
 notwithstanding the objections of his Honor the  
 Mayor, did give and grant unto the Broadway Sur-  
 face Railroad Company, the above-named corpora-  
 tion, the consent and permission of the Common  
 Council of the City of New York to said The Broad-  
 way Surface Railroad Company to construct, main-  
 tain, operate and use a Street Surface Railroad for  
 public use in the conveyance of persons and property  
 in cars, upon and along the surface of the following  
 streets, avenues and highways in the City of New  
 York, to wit: Commencing at the southerly end of  
 Broadway, near the Battery, and running thence,  
 with double tracks, through and along Broadway  
 and across Fourteenth Street to and along Union  
 Square to a point at or near the intersection of Fif- 518  
 teenth Street and West Union Square, together with  
 the necessary switches, sidings, turn-outs, turn-  
 tables and suitable stands for the convenient work-  
 ing of said road, as by the original resolutions on  
 file in the office of the Clerk of the Common Council  
 of the City of New York or a copy thereof as printed  
 and contained in the *City Record*, the official  
 journal of the City of New York, published on the  
 sixth day of December, 1884, reference being there-  
 unto had, will more fully appear.

And whereas, The consent or permission aforesad  
 was granted by the Common Council aforesaid upon  
 certain terms and conditions among which was the  
 condition, that said The Broadway Surface Railroad 519  
 Company shall annually pay, or cause to be paid  
 into the Treasury of the City of New York, to the  
 credit of the sinking fund thereof, certain percent-  
 ages of its gross receipts, and likewise certain per-  
 centages of the gross receipts of any other railroad  
 company derived from passengers riding in any of  
 its cars on any portion of Broadway south of Fif-  
 teenth Street as is mentioned in the fourth clause or  
 subdivision of the conditions accompanying and  
 made part of the aforesaid resolutions of the Com-  
 mon Council; and whereas, the consent of the Com-  
 mon Council aforesaid was likewise given upon the  
 express condition that said The Broadway Surface  
 Railroad Company, in addition to the percentages  
 of gross receipts required by said resolutions to  
 be paid by it into the City Treasury, shall at the  
 expiration of the first year from the date when

520 the operation of its railroad shall commence, and annually thereafter, paying into the City Treasury to the credit of the sinking fund thereof, by way of rent, or as additional compensation, the sum of forty thousand dollars per annum, and that said The Broadway Surface Railroad Company shall execute to the Mayor, Aldermen and Commonalty of the City of New York, a bond with at least two sufficient sureties to be approved as to form and sufficiency of the sureties, by any Justice of the Supreme Court in the First Judicial District and Department, in the penal sum of one hundred thousand dollars, for the due and regular payment of said annual sum of forty thousand dollars, and for the due and regular payment of said percentages on gross receipts.

521 *Now, therefore,* the condition of this obligation is such, that if said The Broadway Surface Railroad Company shall well and truly pay, or cause to be paid, into the City Treasury of the City of New York, to the credit of the Sinking Fund thereof, the percentages of gross receipts, which, by the terms of the aforesaid resolutions of the Common Council, passed and adopted as aforesaid on the fifth day of December, 1884, are required to be paid, or caused to be paid, by said Company, into the said City Treasury; and if the said The Broadway Surface Railroad Company, in addition to the percentages of gross receipts required by said resolution, to be paid, or caused to be paid by it into the City Treasury,

522 shall, at the expiration of the first year from the date when the operation of its railroad shall commence, and annually thereafter, pay into the City Treasury of the City of New York, to the credit of the Sinking Fund thereof, by way of rent, or as additional compensation, the sum of forty thousand dollars per annum, so long as it shall continue to maintain, operate and use the railroad proposed to be constructed, maintained, operated and used by said The Broadway Surface Railroad Company on Broadway, and upon the route mentioned in said resolutions of the Common Council, and if the said Company shall otherwise abide by, comply with, fulfil, perform and keep the several conditions mentioned in the said resolution of the Common Council relating to the payment of percentages of gross receipts, and said additional compensation into the City Treasury of the City of New York, as required by the aforesaid resolution of the Common Council,

so long as it shall continue to maintain, operate and use a railroad upon the streets, avenues or highways mentioned in said resolutions, then this obligation to be void, otherwise to be and remain in full force and virtue. 523

*In witness whereof*, said The Broadway Surface Railroad Company has caused its corporate seal to be hereunto affixed, attested by the signature of its president, and the other parties above named have hereunto set their hands and seals this fifth day of January, A. D., 1885.

THE BROADWAY SURFACE  
RAILROAD COMPANY,

By J. A. RICHMOND, [SEAL.]  
*Pres't.*

JACOB SHARP. [SEAL.] 524  
THOMAS B. KERR. [SEAL.]  
MOORES M. WHITE. [SEAL.]  
GEORGE N. CURTIS. [SEAL.]

*Sealed and delivered,* }  
*in presence of* }

HENRY A. ROBINSON.

STATE OF NEW YORK, }  
*City and County of New York,* } ss.:

On this 7th day of January, 1885, before me personally appeared James A. Richmond, to me known, and who, being by me duly sworn, did depose and say : That he resides in the City of New York and is the President of the Broadway Surface Railroad Company, the corporation mentioned and described in the foregoing bond or obligation ; that he knows the corporate seal of said corporation ; that the seal affixed to the foregoing instrument is such corporate seal and was thereto affixed by virtue of a resolution of the Board of Directors of said corporation, and that he signed his name thereto by virtue of the same resolution, as President of said corporation. 525

HENRY A. ROBINSON,  
*Notary Public,*  
County of New York.

STATE OF NEW YORK, }  
*City and County of New York,* } ss.:

JACOB SHARP, of said city, being sworn, says :  
That he is a resident and a freeholder within the

- 526 State of New York, and worth the sum of one hundred thousand dollars over all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

JACOB SHARP.

Sworn to before me this 7th {  
day of January, 1885. }

HENRY A. ROBINSON,  
*Notary Public,*  
County of New York.

STATE OF NEW YORK, }  
*City and County of New York,* } ss.:

- 527 THOMAS B. KERR, of said city, being sworn, says: That he is a resident and freeholder within the State of New York, and worth the sum of one hundred thousand dollars over all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

THOMAS B. KERR.

Sworn to before me this 7th {  
day of January, 1885. }

HENRY A. ROBINSON,  
*Notary Public,*  
County of New York.

528

STATE OF NEW YORK, }  
*City and County of New York,* } ss.:

MOORES M. WHITE, of said city, being sworn, says: He is a resident and freeholder within the State of New York, and is worth the sum of one hundred thousand dollars over all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

MOORES M. WHITE.

Sworn to before me this 7th {  
day of January, 1885. }

HENRY A. ROBINSON,  
*Notary Public,*  
County of New York.

STATE OF NEW YORK, } ss.: 529  
*City and County of New York,* }

GEORGE N. CURTIS, being duly sworn, says: He resides at Long Branch, New Jersey, but is now temporarily a resident at No. 16 West Fifty-third Street, in the City of New York, and is worth the sum of one hundred thousand dollars over all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution.

GEO. N. CURTIS.

Sworn to before me this 7th }  
 day of January, 1885. }

HENRY A. ROBINSON,  
*Notary Public,*  
 County of New York. 530

STATE OF NEW YORK, } ss.:  
*City and County of New York,* }

On this seventh day of January, A. D. 1885, before me personally appeared Jacob Sharp, Thomas B. Kerr, Moores M. White and George N. Curtis, to me known to be the same persons described in and who executed the foregoing bond or instrument in writing and severally acknowledged that they executed the same.

HENRY A. ROBINSON,  
*Notary Public,*  
 County of New York.

531

The within bond is hereby approved as to form and sufficiency of the sureties therein named.

Dated New York, January 8, 1885.

C. DONOHUE,  
*Justice Supreme Court,*  
*First Department.*

*To all whom these Presents shall come or may concern, Know Ye:*

*Whereas*, the Common Council of the City of New York heretofore and on or about the fifth day of December, 1884, at a meeting of the Board of Aldermen, held at the City Hall, in the City of New York, passed and adopted certain preambles and resolutions, a true copy of which are contained in the official journal of the City of New York, known as the

532 *City Record*, published on the sixth day of December, 1884, whereby the consent and permission of the Common Council of the City of New York was given and granted to the Broadway Surface Railroad Company to construct, maintain, operate and use a street surface railroad for public use in the conveyance of persons and property in cars upon and along the surface of the following streets, avenues, and highways in the City of New York, to wit: Commencing at the southerly end of Broadway near the Battery and running thence with double tracks through and along Broadway and across Fourteenth Street to and along Union Square to a point at or near the intersection of Fifteenth Street and West Union Square, together with the necessary connections, switches, sidings, turnouts, turn-tables and suitable stands for the convenient working of said road.

533

*And whereas*, such consent or permission was so granted by the Common Council to said The Broadway Surface Railroad Company upon the terms and conditions stated in or accompanying the resolutions aforesaid, and which are set forth in the official record of the proceedings of the Common Council at their aforesaid meeting of December 5, 1884, as published in the *City Record* aforesaid, as by reference to said *City Record* of December 6, 1884, or to the original resolutions on file in the office of Clerk of the Common Council of the City of New York, to which reference is hereby made, will more fully appear.

534

*And whereas*, among the conditions upon which the said consent and permission of the Common Council was granted was a condition inserted in or accompanying the said resolution in the words following, that is to say:

*“Seventh.*—And this consent and permission is given upon the further condition that said The Broadway Surface Railroad Company shall, within sixty days after the adoption by the Common Council of the foregoing resolutions, execute under its corporate seal, to be attested by its President or Treasurer, and by virtue of a resolution of its Board of Directors, an instrument in writing, which shall be delivered to the Comptroller of the City of New York, and which shall contain and express the acceptance by said Company of the aforesaid consent and permission of the Common Council for the con-



struction, use and operation by said Company of its  
 proposed railroad upon the streets and route above  
 mentioned, upon the aforesaid terms and conditions  
 upon which the said consent or permission is grant-  
 ed, and binding the said Company to abide by, com-  
 ply with, fulfill, perform and keep the terms and  
 conditions aforesaid, and also binding the said Com-  
 pany to build, equip and commence to operate its  
 proposed railroad within one year after it shall  
 obtain the consent of the requisite number of prop-  
 erty-owners, or the report of Commissioners con-  
 firmed by the Court, as required by the Constitu-  
 tion and laws of this State, and likewise binding  
 the said company to prosecute with diligence all  
 necessary proceedings to perfect its rights to build,  
 construct and operate its proposed railroad.” 535  
 536

*Now, therefore, this Indenture witnesseth* as fol-  
 lows, that is to say: The Broadway Surface Rail-  
 road Company, by virtue of a resolution of its  
 Board of Directors, does hereby make and execute,  
 under its corporate seal, attested by its President,  
 this instrument to be delivered to the Comptroller  
 of the City of New York, and said The Broadway  
 Surface Railroad Company does hereby expressly  
 accept and does hereby formally certify, express  
 and declare its acceptance of the aforesaid consent  
 and permission of the Common Council, for the  
 construction, use and operation by said company of  
 its proposed railroad, upon the streets and routes  
 above mentioned, upon the terms and conditions  
 upon which said consent or permission of the Com-  
 mon Council was granted as such terms and condi-  
 tions are contained in the original resolutions passed  
 and adopted by the Common Council on the  
 fifth day of December, A. D. 1884, notwithstanding  
 the objections of his Honor the Mayor, and said The  
 Broadway Surface Railroad Company does hereby  
 bind itself, its successors and assigns faithfully to  
 abide by, comply with, fulfill, perform and keep all  
 the terms and conditions aforesaid and each and  
 every part thereof, and the said company does here-  
 by likewise bind itself and its successors or assigns  
 to build, equip and commence to operate its pro-  
 posed railroad within one year after it shall contain  
 the consent of the requisite number of property-  
 owners, or the report of Commissioners confirmed  
 by the Court, as required by the Constitution and  
 laws of this State, and said The Broadway Surface  
 537

- 538 Railroad Company does hereby likewise bind itself and its successors or assigns to prosecute with diligence all necessary proceedings to perfect its right to build, construct and operate its proposed railroad, but no delays which may occur by reason of injunction or hostile legal proceedings shall affect in any manner the consent or permission granted by the Common Council as aforesaid, or the terms or covenants of this obligation, provided the said company shall proceed with reasonable diligence to build, complete and commence to operate its proposed railroad after the removal of such legal obstacles, and provided this obligation or instrument of acceptance shall be executed and delivered to the Comptroller of the City of New York within sixty days after the removal of such legal obstacles. A
- 539 copy of the preambles and resolutions of the Common Council adopted on or about the fifth day of December, A. D. 1884, to which reference is hereinbefore made is hereunto annexed.

*In witness whereof*, said The Broadway Surface Railroad Company has by virtue of a resolution of its Board of Directors, caused its corporate seal to be hereunto affixed, attested by its President, this fifth day of January, A. D. 1885.

THE BROADWAY SURFACE RAILROAD  
COMPANY, [SEAL.]

By J. A. RICHMOND,  
*Pres't.*

- 540 Sealed and delivered }  
in presence of {  
H. A. RICHMOND.

Word "certain" on 1st page, 7th line, interlined before execution.

*City and County of New York, ss. :*

On this fifth day of January, A. D. 1885, before me personally appeared James A. Richmond to me known, who being by me duly sworn, did depose and say that he resides in the City, County and State of New York ; that he is the President of The Broadway Surface Railroad Company, the corporation mentioned and described in the foregoing instrument ; that he knows the corporate seal of said

corporation; that the seal affixed to the foregoing 541  
instrument is such corporate seal and was thereto  
affixed by virtue of a resolution of the Board of Di-  
rectors of said corporation, and that he signed his  
name thereto likewise by virtue of the same resolu-  
tion as President of said corporation.

HENRY A. ROBINSON,  
*Notary Public,*  
County of New York.

[SEAL.]

*Mr. L. H. Babcock* : I would like to state to the  
Commissioners that I represent F. F. Ayer and  
others, trustees of the estate of J. C. Ayer, and  
appear in opposition to the Broadway Surface Rail-  
road Company; they own 349 Broadway, and also 542  
part of the Trinity Building.

*Mr. Scribner* : Who are they trustees of?

*Mr. Babcock* : They are trustees of the J. C. Ayer  
estate; I suppose that is a sufficient statement.

*Commissioner Harris* : That is sufficient; if you  
will also be kind enough to file with the clerk a  
written appearance, Mr. Babcock.

*Mr. Babcock* : Yes, sir.

RICHARD ARNOLD, called as a witness on behalf  
of the petitioner, being duly sworn, testified as  
follows :

*By Mr. Scribner* :

543

Q. Mr. Arnold, where do you reside? A. I reside  
at 1,261 Fifth Avenue.

Q. How long have you resided in the City of New  
York? A. All my lifetime.

Q. You are not a lady and won't object to telling  
how long that is, will you? A. Well, it is over  
fifty years.

Q. You are a member of the firm of Arnold, Con-  
stable & Co., are you not? A. Yes, sir.

Q. And that is a dry goods firm, is it not? A.  
Yes, sir.

Q. Which has done business in the City of New  
York for a great many years? A. Yes, sir.

Q. Where is your present place of business? A.  
Broadway and Nineteenth Street.

Q. And where was your former place of business?  
A. In Canal Street.

544 Q. There is a railroad which passes your place of business on Broadway at the present time, is there not? A. Yes, sir.

Q. Did your firm build the large store that you now occupy? A. Yes, sir.

Q. And did you construct it before or after the railroad was constructed which is now running in Broadway at Nineteenth Street and above? A. After the railroad was constructed.

Q. After the railroad was constructed? A. Yes, sir.

Q. Mr. Arnold, as an old citizen of New York, familiar with its streets and its necessities, will you please tell the Commission whether in your opinion the construction and operation of a railroad  
545 on Broadway, between the Battery and Union Square, would be of public advantage? A. I think in a business point of view it would be decidedly advantageous to the City of New York.

Q. In a business point of view, do you mean that it would be of advantage to the general public—that is the inhabitants of the city and State? A. Yes, sir.

*Cross-examination by Mr. Beaman:*

Q. When did you commence business, Mr. Arnold, in Canal Street? A. Well, my father commenced it in 1827.

Q. Whereabouts in Canal Street? A. Near  
546 Mercer Street.

Q. Canal Street near Mercer? A. Yes, sir.

Q. What business did he begin there? A. Dry goods business.

Q. Retail dry goods business? A. Yes, sir.

Q. When did you begin business there? A. That I couldn't say exactly; somewhere in the neighborhood of — well, I couldn't say exactly; I went in there a boy, when I was about eighteen years of age.

Q. And how long did you remain there? A. Ever since.

Q. In Canal Street? A. No, not in Canal Street; I didn't remain there; we went up to Nineteenth Street.

Q. But when did the business move up to Nineteenth Street? A. Well, that I couldn't state exactly; my impression is somewhere about 1869

or 1870 ; those figures may not be accurate, and may appear strange, but I don't know exactly without referring back. 547

Q. Mr. Arnold, I may seem to you to ask questions that are a little strange ; but you are here as a witness, and some facts with which you are perfectly familiar, and I may be myself, have to be brought out ; I consider it necessary to bring out before the Commission these matters of dates, but I do not expect you to give them exactly, only approximately ; exact dates are not of importance. A. Yes, sir.

Q. You moved in 1869 or 1870 ? A. I couldn't say exactly ; I could give you the exact period by referring to memoranda ; I couldn't state anything positively on that point. 548

Q. But it was after 1860 and before 1870 ? A. Well, I have told you that on those points I can give no definite information ; I will give no definite information on those points.

Q. Why not, Mr. Arnold ? A. Because I do not remember, and I don't want to make statements which may be drawn into question, and I may make a mistake of a month or of a year or two.

Q. Have you generally a good memory about dates ? A. I have generally a very good memory.

Q. Will you state to the best of your memory and recollection when you moved from Canal Street to Broadway and Nineteenth Street ? A. Well, that I will not state.

Q. Whereabouts was your business on Canal Street just prior to the time you moved ? A. What do you say ? 549

Q. Whereabouts was your business on Canal Street—your place of business—just prior to your moving ? A. It was Canal Street near Mercer Street.

Q. Canal and Mercer ? A. Yes.

Q. Was it altogether then a retail business ? A. No, sir ; it was a large wholesale business as well.

Q. When did you begin the wholesale business at that place ? A. That I cannot tell you either.

Q. Was that after 1850 or before ? A. Well, I won't answer any of those questions ; if you want those things particularly I can find out the dates and give them to you.

Q. And how large a business did you do during

550 the years in which your business was in Canal Street? A. Well, I should think about 1857.

Q. I mean what was the amount in thousands of dollars? A. I don't think I am obliged to tell my private affairs.

Q. Well, do you decline to? A. What do you say?

Q. Do refuse to? A. Yes, sir; I do refuse.

Q. I only want to know, so that I shall not go any further; when I find the boundaries of what you will testify to, then I can go on; I do not desire unreasonably to press you, but I want to know what you will do and what you want. A. Yes, sir.

Q. Is Arnold, Constable & Co. a copartnership or a corporation? A. Well, I don't think that is a proper question; that doesn't apply to this case at all.

Q. Do you decline to answer? A. I decline to answer, certainly.

Q. Are you the senior member of that firm; I mean are you the Mr. Arnold, the senior member?

A. I am the Mr. Arnold of the concern.

Q. Is there any other Mr. Arnold in the concern? A. There is.

Q. Is he older or younger than you? A. He is younger.

Q. Do the firm of Arnold, Constable & Co. own the building that they occupy on the corner of Nineteenth Street and Broadway? A. No, the firm does not own it; it is owned by the family.

552 Q. Do the family of Arnold's, that is your family, or the firm of Arnold, Constable & Co. own any other property on Broadway in the City of New York? A. Yes, the family own another piece of property on Broadway.

Q. Whereabouts is it? A. Corner of Twenty-eighth Street.

Q. Broadway, corner of Twenty-eighth Street? A. Yes, sir.

Q. But nothing below Fourteenth Street? A. No, sir; nothing below.

Q. Now, why did the firm of Arnold, Constable & Co. move from Canal Street to Nineteenth Street and Broadway? A. They moved up there because they found the population was going up, and that there were a larger number of customers above Fourteenth Street than below Fourteenth Street, and the means of communication were such that the

ladies, as to the retail trade, were afraid of going down-town because there were not sufficient conveyance to take them up, and the ladies in carriages were afraid to come down. 553

Q. Afraid to come down where? A. To Canal Street.

Q. Why? A. On account of the number of trucks and obstructions in the street.

Q. In Broadway, between Fourteenth Street and Canal Street? A. Well, from Fourteenth Street to Canal Street, yes, sir.

Q. Was that fear a real, genuine one, in your opinion? A. Well, we took the chance of moving up town, and taking our business there.

Q. Was that fear a reasonable one? A. We thought it was. 554

Q. And had you begun to find its effects upon your own business? A. We had ; our business was decreasing.

Q. You found your business decreasing then? A. Yes, sir ; moderately ; at any rate it was not increasing as fast as it ought to.

Q. What has been the result of your moving to Nineteenth Street? A. Our business has very largely increased.

Q. You have very largely increased the amount of your sales and the amount of your ownership in land, and generally improved your business? A. Land? I don't know anything about that.

Q. Well, you have much increased the amount of your business? A. Yes, sir. 555

Q. What is that attributable to, Mr. Arnold? A. Well, it is attributable a great deal to the people living up there and the means they have for getting there ; it is a central location and nearly every public conveyance comes near to us.

Q. If there was a horse railroad down Broadway to Canal Street, would you think of moving your business down to Canal Street? A. I would not.

Q. Why not? A. Because I think the people are living above ; the population that we sell to are living above Fourteenth Street.

Q. You speak of people you sell to ; is there any class of people you sell to more than to another? A. Yes, I think there is.

Q. What class of people do you sell to most? A. We sell to the people that live above us.

556 Q. That is, residents of New York? A. Yes, sir; residents of New York.

Q. Are most of your sales to people that live further up-town than Nineteenth Street? A. I think they are; our books would show all those things; undoubtedly above, as far as the city trade is concerned.

Q. Mr. Arnold, has the traffic on Broadway, this business of trucks and carts, increased or diminished below Fourteenth Street since you moved up? A. I go there so very rarely that I could not say.

Q. Do you go down-town as often as once a week? A. No. I don't think I do.

Q. Your business is mostly at your store; isn't it? A. It is all there.

557 Q. And not much in the commercial parts of the town, like buying or anything like that? A. Well, our business is there some, but I don't attend to that section.

Q. You don't attend to that section? A. No, sir.

Q. Mr. Arnold, had you noticed while you were in Canal Street whether there had been a steady increase of travel, trucking, &c., on Broadway during the years you were in Canal Street? A. Well, I think as the city grew the trucking did increase.

Q. Isn't it true that Canal Street itself is a great thoroughfare for cross-town travel, for trucks and heavy loads? A. Well, I have not been there for so many years now I couldn't say.

Q. It was when you were there? A. It was increasing all the time.

558 Q. The character of Canal Street had very much changed from the time that you began as a young man there, till you left, did it not? A. Well, of course, it changed.

Q. Now, Mr. Arnold, what was it that increased the amount of travel on Broadway during the years that you were in Canal Street? A. The City was growing; the same thing in Fifth Avenue; the traffic now up to Eighty-third Street is getting to be very great.

Q. Up to what street? A. Eighty-third Street.

Q. The growth of the city, then, has of course, increased the travel in other places? A. Yes, sir; on Fifth Avenue you can hardly ride, certain parts of the day, because of the immense quantities of truck, and all the dirt carts, and all the brick and lumber wagons—they all go up Fifth Avenue.



Q. After it gets below Fourteenth Street or below Washington Square on Fifth Avenue, where does it go? A. That I don't know; I won't say anything about below Fourteenth Street. 559

Q. You don't know much about the travel below Fourteenth Street? A. No, sir; I don't travel much myself, and things I know nothing about I would rather not testify in relation to.

Q. Mr. Arnold, you are engaged both in the retail and wholesale business in your place; are you not? A. Yes, sir.

Q. Where are your goods mostly bought; in foreign countries or in this city? A. Foreign countries.

Q. How do they reach your store from the docks? A. What do you mean by that? I don't quite know what you mean. 560

Q. I am trying to see generally in what way your goods come up town to your store? A. Well, the general way they come up town is this: the steamship companies are moving their docks up town every day; and they will finally get up to Twenty-third Street and Thirtieth Street and to Fortieth Street; the White Star Line is at Tenth Street now; and they come right across almost from the lines of the steamships; they are moving their docks up town right along, and we have built a warehouse now in Sixteenth Street and Ninth Avenue and consider it a good location to store our goods, better than down town.

Q. The steamboat companies are moving their docks up town? A. Yes, sir; the steamboat companies are moving their docks up town; we have nothing coming up Broadway, I don't think. 561

Q. Now, in regard to goods that are bought from domestic merchants, that is, merchants on Broadway, wholesale merchants, how do they come? A. We don't purchase much on Broadway.

Q. Your goods are mostly your own importations, are they? A. No, we buy a good many goods here, but then they don't come up Broadway much.

Q. In what part of your old building do you load your goods or do you unload them? A. We unload them in Fifth Avenue.

Q. You unload them on Fifth Avenue? A. Yes, sir.

Q. And do you load your heavy goods on Fifth Avenue? A. Yes, sir.

562 Q. Do you load or unload any on Nineteenth Street? A. Only the retail goods, and I think they are——

Q. But your wholesale business is all conducted on Fifth Avenue? A. Yes, sir; our wholesale business is all conducted on Fifth Avenue.

Q. That is loading and unloading? A. Yes, sir.

Q. You don't load or unload any goods on Broadway either wholesale or retail? A. No, sir; nothing at all.

Q. Isn't it a fact, Mr. Arnold, that the general location of the wholesale dry goods business and the retail dry goods business has very much changed within the last thirty years? A. It undoubtedly has.

563 Q. And has that change been effected by the general growth of the city, in your judgment, more than by any other thing? A. Well, it has been undoubtedly due to a great extent to the growth of the city because as the people go up town you have got to follow them; there is no question about that; now, I don't want to say anything against one side or the other, but merely to testify to what I know; I am satisfied that the railways and stages are very beneficial to all kinds of business; that is one of the advantages, I consider, of where we are situated, because almost every line of stages and line of horse-cars can be used to reach us, and the elevated roads are within a few blocks of our business.

Q. You have got a first-rate place, you think? A. Well, I think the location is good.

564 Q. You think it is an advantage to have the stages go by your store? A. Yes, sir; I think so.

Q. Why? A. Because they bring people to our door.

Q. From what parts of the city? A. Some from Fulton Street, who come from Brooklyn, some come from the South Ferry, and some come from the Wall Street Ferry, and they bring Long Island people right to our door.

Q. How is it from up town? A. Well, the more communication we get the better it is.

Q. From what parts of up town do the stages bring you travel? A. Well, we get the Madison Avenue line, which comes from the Grand Central Depot, and they come right in front of our door; then there is the Twenty-third Street line, but I don't think so much of that because we do not do much Twenty-

third Street travel ; then there is the Fifth Avenue line which runs along the line of Fifth Avenue and brings all the wealthy people of that section to us. 565

Q. Well, you wouldn't like to have those stages taken off? A. Well, if they would put surface railroads down, it would be better.

Q. How about Madison Avenue? A. There is one there now up to Eighty-sixth Street, and they ought to run it up to the river too, and will do it, too, I think.

Q. You personally have no objection to horse-cars in front of your own building? A. For a dwelling it is not pleasant, but it is beneficial to business.

Q. You think it would benefit your own business enough so that you wouldn't care? A. Not at all; I might move out if I didn't like it and go to where there wasn't one. 566

Q. But if the omnibuses were stopped and there were no horse-railroads to take their place, then you would be sorry, as far as your business is concerned? A. I think, as I stated distinctly, that the more communication of all kinds that you can bring near your door the better it is for your business.

Q. That is, you think it is a good thing for any particular business to have a great number of people passing, and the more passing the better? A. I don't say the more passing, because that is no good; it is the number of people that have means of communication—people who want to go to your place—that they can get there.

Q. That is, you like to have as much ease of communication centering on your place of business as possible? A. Yes, sir. 567

Q. And anything that does that is an advantage to business? A. Yes, sir.

Q. And to your business? A. Certainly ; that is my view.

Q. And is that what you meant when you said that a railroad on Broadway would be good for the people of New York in a business point of view? A. Well, if I were below Fourteenth Street I would advocate a Broadway surface road.

Q. Why? A. Because I think Broadway has been damaged by lack of communication ; I think the stages would very likely be taken off—there are 321 of them that block the street more than a surface road would—if a surface railroad were put down.

568 Q. Mr. Arnold, what part of Broadway do you think would be particularly benefitted by the substitution of cars for stages? A. I think the whole of Broadway would be benefitted.

Q. Well, down to the Battery? A. I have no interest below Fourteenth Street, I will tell you that distinctly.

Q. I understand that; certainly you have not, Mr. Arnold; your interest is above? A. Yes, sir.

Q. But I am now asking you what part of Broadway would, in your judgment, be particularly benefitted by having a horse-car line on it instead of a stage line? A. I think the whole of it would; for the reason that the Brooklyn travel would be brought up through the center of the city—would come from the South Ferry, and from the Wall Street Ferry and from the Fulton Ferry; you would get all of that.

Q. Well, your idea of a railroad up Broadway then would be also another railroad down Wall Street, for instance? A. Well, Wall Street is rather narrow; I do not think it would do any harm though.

Q. But that would be your part of the system—you would like a railroad in Wall Street? A. I do not think it would do any harm.

Q. And a railroad up each of the other streets from the Brooklyn ferries? A. I do not think there are half enough railroads; I am in favor of a road in Twenty-eighth Street and in Thirty-fourth Street; 570 Thirty-fourth Street is killed by not having a railroad there; and I would have another in Sixty-fifth Street and another in Eighty-fifth Street—right through the Park.

Q. Is there any street that has occurred to you where it would not be a good thing to have a horse railroad? A. I think a certain number of them would be very beneficial.

Q. Is there any place where it would hurt any to have a horse railroad? A. I won't state exactly that; I think the city would grow a great deal faster; as fast as they put down these roads, as fast the city will grow.

Q. Do you think that Broadway would grow between Fourteenth Street and the Battery? A. I think it would have never gone to where it is if they had had a surface road there; and I think a good many property owners think so too.

Q. Has there been any time when property below Canal Street, in your opinion, has been worth more than it is to-day? A. I have no knowledge of the value of property below Canal Street. 571

Q. Have you any knowledge of the value of property below Fourteenth? A. I have very little knowledge of property below Fourteenth Street—as to the real values; I have knowledge above Fourteenth Street.

Q. Or of the rental values of property below Fourteenth Street? . Well, rentals are pretty good there.

Q. The rentals are good? A. I think they are pretty good—I should think below Prince Street.

Q. Below Prince Street? A. Yes, sir; somewhere in that neighborhood.

Q. Do you think that a horse railroad would improve the value of property between Prince Street and Fourteenth Street especially? A. Yes, sir. 572

Q. Would it improve the interest of parties who have now got stores there that they are renting and occupying? A. It wouldn't injure them.

Q. Would it help them any? A. I think it would.

Q. Then, in your judgment, a horse railroad in that section would improve the value of property—would increase the rental, and would increase the interest of parties who had the property on rental or leases? A. I certainly think it would not damage any.

Q. But you think it would help them? A. Well, I don't think it would injure them; I don't want to talk about things that I don't know anything about; but my impression is that if I owned property there I would certainly be in favor of having a railroad put down, because I think it would benefit it; I am sure it wouldn't injure it. 573

Q. But you don't think you are much of an expert on property below Fourteenth Street? A. No, not of value.

Q. Or whether or not it would really benefit the property? A. Well, I have talked the surface road up—not this road here, because I don't know anything about that—but on general principles, I have talked in favor of a surface road; I am in favor of all roads that carry the masses backwards and forwards and across; what would New York City be if it hadn't the surface railroads? what could your

574 old stages do to-day with your two millions of inhabitants! the idea of taking two or three hours to go to Harlem as you used to go, it is simply ridiculous! where are these clerks and poor men going to live, I wan't to know, that can't afford to pay these rents in New York? you must give them means of getting out of New York.

Q. You think a railroad between Broadway and Fourteenth Street would be used by people who wanted to go to their homes? A. I think thousands would use it.

Q. Where would they want to go? A. Go to Westchester County.

Q. On a horse railroad up Broadway? A. Yes, sir.

575 Q. Instead of taking the elevated roads? A. They are too full half the time, and you cannot get any seat hardly from seven until ten in the morning unless you enter at one of the termini.

Q. Where do you say you live? A. Fifth Avenue and Eighty-third Street.

Q. How do you get up and down town? A. In Summer time I go a good deal in the Fourth Avenue cars, and this time of year I either go in my carriage or on foot.

Q. In a private carriage? A. Yes, sir, that is in the evening, but I walk down very often.

Q. And ride home? A. Yes, sir.

576 Q. Which way do you ride home; on Fifth Avenue or Madison Avenue? A. Sometimes on Madison Avenue.

Q. Which way generally? A. Well, sometimes I go through the Park; I am not particular; I let the coachman take his choice.

Q. You very seldom direct him? A. When it snows I generally go on Madison Avenue, where the track is clear.

Q. Why? A. Because the track is cleared off.

Q. When you go down on wheels you mean? A. Yes, sir.

Q. But when you come down on runners you come down on Fifth Avenue, I suppose? A. Fifth Avenue; yes, sir.

Q. You don't prefer to ride in your own carriage in a street where there is a horse-car track? Or do you have such a preference? A. I am not an admirer of horse-car tracks for carriages; at the same

time they are very convenient when they are cleared 577  
of snow to ride down on.

Q. If your wagon happens to track in you get along very well, until you want to turn out? A. Yes, sir.

Q. And then off goes your wheel? A. Well, I have tried it six or seven years, and I have never lost a wheel.

Q. Now, Mr. Arnold, when you come down, as you occasionally do in a week, from Nineteenth Street, how do you generally go? A. Well, I either take the Elevated Road or the Sixth Avenue surface road.

Q. Don't you ever take the Broadway and Seventh Avenue road? A. I don't think I do very often.

Q. Why not? A. Because I think the others take 578  
me quicker.

Q. The Broadway road is shorter? A. Well, I think the others are faster.

Q. If you were coming from your store to this Hall, or to the Astor House, you say you would take the Sixth Avenue road rather than the Broadway road? A. I think the Sixth Avenue road is faster than the Broadway to come that way.

Q. What makes it faster? A. I think they run faster, and they land me a little lower down.

Q. And better horses? A. I don't know about the horses.

Q. Well, isn't it true that the Broadway road is very much blocked up at times in the lower part of the city? A. I don't know anything about that, for I rarely go in them. 579

Q. You go and walk way over from Fifth Avenue to Sixth Avenue? A. That is one block.

Q. Rather than to get in a Broadway car right in front of your store? A. Yes, sir; the Sixth Avenue land me lower down.

Q. How much lower down? A. I think it is a block; I am not certain.

Q. The width of the Astor House, isn't it? A. I am not certain; you know that just as well as I do.

Q. Well, I want that to appear on the record? A. Yes, sir; on the other side of the Astor House, I think.

Q. Do you use the omnibuses at all? A. No; I have given them up pretty well.

Q. Why? A. They are so infernally slow.

580 Q. What makes them slow? A. Well, they go slow.

Q. Isn't it because the streets are blocked very much down town below Canal Street? A. I don't know but what I will have to leave that to yourself.

Q. But, Mr. Arnold, you must not leave those things to me; you are brought here as an old resident of New York; and I want—— A. What is it you want to know?

Q. Nothing, except what you think. Q. What is your question?

Q. You say that you have been a citizen of New York here for a long time? A. What is the question you ask?

581 Q. I am telling you; I want to know why you have given up riding in Broadway in omnibuses? A. I told you that the stages are slow; I think they are slower from five to seven minutes to go to the place I want to go to in Wall Street when I go down town than the Sixth Avenue cars or the Elevated cars.

Q. How much are the Sixth Avenue cars faster than the Broadway cars? A. That I could not say; I think I could ride to my destination three or four minutes faster.

Q. By the Sixth Avenue than by the Broadway? A. Yes, sir.

582 Q. That is, you could go over to Sixth Avenue, and come down on those cars quicker by three or four minutes than you could come down by the Broadway cars? A. I think I could.

Q. And that is the rule on which you regulate going up and down town? A. I have regulated all these things, and I have looked into them, and I think there is very little difference between the Sixth Avenue Elevated and the Sixth Avenue cars, because you have got to walk to Fourteenth Street in that case, and you have got to walk to Sixth Avenue to get to the Sixth Avenue cars; but they are certainly five or ten minutes faster than the stages.

Q. You have no prejudice against this Jacob Sharp's road? A. I don't know anything about Jacob Sharp; I never saw the man in my life.

Q. I didn't suppose you had at all; it is only your rule of life determined on experience, I suppose; now, then, to return to the other question, which is this: Why are the Broadway omnibuses so slow?



A. Well, I don't know ; I suppose you can ask the owners of them. 583

Q. Don't you suppose that they go as fast as they can travel? A. I do not ; I think it is very certain that they don't go as fast as they can go.

Q. Don't you know that they are often blocked below Canal Street? A. I suppose they are sometimes ; undoubtedly.

Q. Then your trouble with Broadway stages is that they don't drive fast enough? A. They don't drive fast enough, are very slow, and do not give the accommodation either as far as that goes.

Q. I beg your pardon ; I didn't hear you. A. You have got to stand up most of the time since they put the fare down to five cents ; and they will never stop when you get out ; and you stand the chance of breaking your neck. 584

Q. It suited you better when the fare was ten cents ; didn't it? A. I am not very fond of stages myself ; I think they were better when the fare was ten cents, and when there was more room.

Q. You have talked so much about the masses that want cheap fares, but the particular thing that you desire is your own accommodation ; isn't it? A. I have not travelled twenty times in a stage for ten years.

Q. Oh, well, you don't know much about stages then ; they may have got very fast? A. Maybe.

Q. Those old horses you travelled with I guess are dead ; how long since you have been down the Broadway road? A. That I could not tell you. 585

Q. Ten years? A. Oh, no ; may be six months.

Q. Now, in what way will a railroad on Broadway, in your judgment help the people of New York, in a business point of view? A. Well, I think it will bring more people to their doors.

Q. Bring what? A. Bring more people to the doors—more people in front of the places of business.

Q. That is at the doorway of Broadway? A. Yes, sir.

Q. Will it bring people to New York, who don't come now? A. I should not think it would have any effect in that way.

Q. It wouldn't? A. I should not think it would, no.

Q. Will it take people out of New York who don't go out? A. Well, it might, a few people.

586 Q. Will more things be sold in New York than are sold now? A. There certainly wouldn't be any less.

Q. Will it, in your judgment, increase the sales in New York? A. That is one of those problematical schemes that I cannot tell.

Q. Well, what is your opinion about it, Mr. Arnold? A. Well, that is a question that I have never taken into consideration; that is a problem that has got to be solved.

Q. Then you haven't any opinion on that question? A. Well, I certainly think it would not reduce the volume of business.

Q. But you are not prepared to say that it will increase it in any way? A. No, sir.

587 Q. But you are not prepared to say that? A. No, sir.

Q. So far as it brings more business to Broadway, isn't it true that it will take away the same amount of business from other parts of the city? A. I cannot say that it will, because the more facilities, the more people come here, and the larger the volume of business is.

588 Q. That I understand; but you thought it wouldn't bring any more people to New York? A. You asked me certain questions, and I answered them to the best of my knowledge, but at the same time they are problems which the working of the thing has got to prove; if you move up town, whether the experiment is a success or a failure will be proved by time; when I moved up-town most of my friends thought it would be a failure, but it has turned out a success.

Q. Now your business has much increased? A. Yes, sir; very largely increased.

Q. Now the question is with me, that I am asking you, if the business of Broadway should be increased in that way, would it be increased without taking away the same amount of business from some other parts of the city, say from Sixth Avenue, or from your store? A. The retail business is undoubtedly to-day above Fourteenth Street, and the tendency would naturally be that the more people that can be brought from Brooklyn, to up-town, and the quicker you can bring them there, the more retail trade would probably be done, and it wouldn't affect at all the business on Broadway for the retailers all left it below Eighth Street.

Q. It wouldn't affect the business of Broadway, 589  
because the retailers have all left Broadway? A. Yes,  
sir; all left below Eighth Street; below Eighth  
Street there is no retail trade worth speaking  
about.

Q. Is the tendency of the retail trade all above  
Fourteenth Street, in judgment? A. Yes, sir.

Q. And is it growing and increasing that way?  
A. Yes, sir.

Q. And will it so keep on growing and increasing  
without regard to a horse railroad on Broadway? A.  
I do not say without regard; I say it will undoubt-  
edly keep increasing.

Q. That is, the tendency of retail business is all  
above Fourteenth Street? A. Yes, sir; all above  
Fourteenth Street.

Q. You do not think a horse railroad on Broad- 590  
way would carry the retail business back again be-  
low Fourteenth Street? A. No, sir; I do not think  
that that can be done.

Q. It can not be done? A. No, sir.

Q. Why not? A. It has left.

Q. Well, why won't it go back? A. Why don't  
people go back to East Broadway again? Why  
don't you get people down-town again for private  
residences?

Q. I don't know; why is it? A. Left.

Q. Why don't they go back again? A. They  
won't.

Q. Don't you think really that this railroad on  
Broadway, would carry retail business back again 591  
below Fourteenth Street? A. I don't think it will.

Q. What reason have you for thinking that? A.  
I only tell you as a business man that the retail trade  
has left Broadway, below Eighth Street.

Q. What is going to happen below Fourteenth  
Street? A. The city is increasing all the time; they  
used to say "What the devil are you going to do  
below Canal Street?" and still we are running all  
full, and renting at higher prices than ever.

Q. What is your idea is going to happen to  
Broadway, between Canal Street and Fourteenth  
Street? A. Business is increasing all around;  
what used to be a small business has become a large  
business; and they require accommodation.

Q. They require more accommodation? A. Yes,  
and they move up.

Q. That is, the wholesale business, or the business

592 that is now down town is moving up? A. The wholesale business is gradually moving up town; my mind is, I think you will see the whole wholesale business around Union Square in ten years.

Q. All around Union Square? A. Yes, sir.

Q. Within how many years? A. Within ten years.

Q. And you have thought of this question before you were here to-day; haven't you? A. I have been thinking of it for ten years.

Q. And you expect all the wholesale dry goods business to be up around Union Square in ten years? A. Yes, sir.

Q. What signs do you see of such a thing as that? A. Well, I cannot tell you what signs; so much money up town.

593 Q. Well, what is going to happen below Fourteenth Street? A. Well, property will be probably as much as it ever was; the city is increasing so largely that there will be a demand for the whole of it; this city is not going to stop for a moment with a million and half of population that it has got now; it will keep on increasing, and in fifteen or twenty, or in thirty years, you will have a million more people in this city, and they must live somewhere.

Q. Where do you think they will live? A. I think the rich people will live from Fifty-ninth Street to Ninetieth Street.

594 Q. And where will the poor people live? A. Out of town, up in Harlem and out of town; that is why they want railroads.

Q. Then there won't be many living below Fourteenth Street? A. There will be stacks of people living there, but they will be the laboring classes.

Q. In the tenement-houses you mean? A. Yes, sir.

Q. But your idea is that Broadway, say two blocks either side of it from Fourteenth Street to Canal Street, will be substantially all business? A. All business.

Q. And all wholesale business? A. Wholesale business and small retail.

Q. What do you think is going to become of Mr. Daniells' store on Broadway and Ninth Street? A. I don't know anything about Mr. Daniell.

Q. What? A. I won't say anything about any

other gentleman in the same business ; I don't know 595  
anything about him.

Q. And what do you think is going to become of  
Mr. Stewart's building there? A. I don't know ; I  
won't say anything about that.

Q. Do you think Harrigan & Hart's Theatre will  
ever come back? A. I do not think it will.

Q. Why not? A. I think it is a bad place for it ;  
that is an individual opinion ; I think it is entirely  
too low.

Q. Too low? A. Yes, sir.

Q. Why is it too low? A. Because the people  
don't live there and don't want to go so far.

Q. You mean too low down town? A. Yes, sir.

Q. Why? A. Because nobody lives down there.

Q. Nobody lives there? A. No, sir.

Q. Then you think it is a good thing for them 596  
that they were burned out? A. I am very sorry for  
Harrigan & Hart unless they were insured ; if they  
weren't, it is pretty bad for them.

Q. Well, what do you think is going to happen to  
Mr. Cattnach? A. Who?

Q. Mr. Cattnach, who has a trunk store down  
Broadway? A. Well, I don't know anything about  
him ; I don't know that man.

Q. You have not thought of him particularly?  
A. I have not thought of anybody particularly.

Q. Well, when you began the dry goods business  
where was the centre of the wholesale dry goods  
trade? A. Broad Street, and Liberty Street, and  
Exchange Place and Beaver Street. 597

Q. Where is the centre of the wholesale dry goods  
trade to-day? A. Well, it is in the neighborhood  
of—the foreign trade—of Broome Street and Greene  
Street.

Q. Foreign goods have to go up to Broome Street  
and Greene Street? A. Yes, sir.

Q. And how about domestic goods? A. They are  
lower down.

Q. What class of dry goods do you expect to get  
first into Union Square—foreign or domestic? A.  
What do you say?

Q. What class of dry goods do you expect to first  
get into Union Square? A. I have not adjusted  
that yet.

Q. Is there a general tendency, that you have  
noticed, something like this—that the city has

598 grown always in a north and south direction? A. Yes, sir.

Q. That is, has extended to the north, and that first it was up Fifth Avenue, where there is a line of what you may call the better houses? A. Yes, sir; the north line is necessarily the sirloin.

Q. What is that? A. It is the sirloin of the city.

Q. The north loin is the sirloin? A. Yes, sir.

Q. Where is the tenderloin? A. Well, it is about the same thing.

Q. About Eighty-third Street? A. (No response.)

Q. Well, the tenderloin or the sirloin is going further up? A. Well, that is another problem which the real estate men have not yet solved, where it is going after it passes Ninetieth Street.

599 Q. Do you look to see the bankers and brokers leaving Wall Street? A. No; I do not think they will ever leave there; that is not the custom of the world; you have heard of the Bourse in Paris, and of Needle (?) Street; money centres do not change.

Q. The money centre will remain down town? A. Yes, sir.

Q. And what is to occupy the place along, say, from Chambers Street to Canal Street? A. Well, that you cannot tell; what is Exchange Place going to do?—I suppose it will go into bank offices and insurance offices, and those things will follow along up town.

600 Q. That is the lower part of the town? A. I heard the same old story twenty years ago, "What are you going to do with Broad Street?—what are you going to do with Exchange Place?—what are you going to do with Beaver Street?"—and they are better to-day than ever they were.

Q. When the dry goods trade left Wall Street people worried about it? A. It never was in Wall Street.

Q. Isn't it true, Mr. Arnold, that in your time there have been dry goods stores in Wall Street between Nassau and Pine? A. Not to my knowledge.

Q. But you remember them in Broad Street? A. Yes, sir.

Q. And you remember the anxiety of people as to what was to happen to Broad Street when the dry goods trade was going away? A. Even when they got up as high as Dey Street they thought the whole thing was going to smash.

Q. Why? A. Because the dry goods trade had left it. 601

Q. Well, something else came in when dry goods left it? A. Yes, sir; I had an interest in a Dey Street store myself, and I felt somewhat worried, but I made twenty per cent. more subsequently out of it.

Q. But you were anxious at the time? A. I felt somewhat worried; I didn't know what was going to become of the thing.

Q. But you have seen the whole city work out? A. Yes, sir.

Q. You have not seen any time when property on Broadway, where we now are, has ever decreased in value except temporarily? A. There has been a steady increase in all good property; the First Ward is worth a great deal more than it ever was. 602

Q. When the dry goods business occupies Union Square, as you expect it will in ten years, the property in Union Square will be worth just as much as it is now, won't it? A. I think it will; but I don't think it will be worth any more.

Q. What, then, will happen to Arnold, Constable & Co.'s store on Nineteenth Street? A. Well, we have wholesale goods there, too.

Q. Are you thinking of moving your retail trade up town? A. No, sir; we have not been thinking of it.

Q. You leave that for the boy? A. I don't look so far ahead.

Q. You have got a good place for wholesale as well as retail? A. Yes, sir. 603

Q. Are there any wholesale dry goods establishments above Fourteenth Street beside yours? A. Well, there is Lord & Taylor.

Q. Any other? A. I suppose Johnston; there are a good many job goods (inaudible).

Q. Mr. Arnold, I ask you this question, which you may decline to answer, but I do not ask it impudently, certainly—is the amount of your wholesale business larger or smaller than the amount of your retail business? A. I do not think that is a fair question; I won't answer any business question.

Q. I am only asking it for the purpose of seeing how much wholesale business is already there? A. I can only say our wholesale business largely increased up town.

604 Q. And has increased from year to year? A. Yes, sir; right along.

Q. Now, do you sell there to other people in New York City and to other people from various parts of the country? A. All over the world—not all over the world, all over the continent.

Q. Now, Mr. Arnold, when the city has grown in this way that you have spoken of, and there are wholesale dry goods places on Union Square—Broadway from Fourteenth Street to Canal Street is all wholesale business?— A. Yes, sir; from Eighth Street; about from Eighth Street I should think the retail business goes along to Fourteenth Street.

Q. But I say in this time ten years from now, Union Square will be all dry goods? A. I think it will be.

605 Q. And at that time Broadway from Fourteenth Street to Canal will be mostly wholesale business? A. Yes, sir; I think it will.

Q. And from Canal Street down it will be mostly bankers and insurance men, and such kind of people? A. Office business.

Q. Offices, yes, sir? A. Yes, sir.

Q. Now, won't Broadway at that time be, in your judgment, much more crowded with vehicles than it is now? A. What do you say?

Q. Won't at that time Broadway be crowded with vehicles more than at the present time? A. I cannot say.

606 Q. Will not Broadway when that is the situation of business, in your judgment, be more crowded with vehicles than it is to-day? A. Well, I don't know whether it will be or not; I would not like to say.

Q. What do you think about it? A. Well, it will go into offices more, and it wouldn't be any more crowded.

Q. What crowds Broadway now so much? A. I think the stages crowd it a great deal now.

Q. What else crowds it now; what do you think would crowd it now if you took the stages off? A. Trucks.

Q. Isn't Broadway the principal thoroughfare for all heavy trucking between the Battery and Fourteenth Street? A. Well, I am not capable of answering that question; I am down there so little; of course there is a great deal of that done there.



Q. Do you do your own trucking? A. Yes, sir; 607  
we do.

Q. How many trucks do you employ—how many teams do you employ in trucking? A. Well, about six or eight.

Q. Isn't the principle loading and unloading of the wholesale business on Broadway done from and to the stores on the front of Broadway? A. I do not think it is, no, sir; I think not.

Q. You have no special knowledge of it? A. I think above Canal Street that Mercer Street is the back entrance of most of the large stores.

Q. You think above Canal Street the larger stores have back streets for that purpose?

*Mr. Scribner*: He said the larger stores have back entrances.

Q. Well, how is it below Canal Street? A. That I am not prepared to say; I never looked into it particularly; I don't want to give an answer in relation to a matter that I don't know anything about. 608

Q. Have you thought, or brought your mind to think upon the subject of a way in which a railroad on Broadway would help the City of New York except in so far as it helps Broadway in a business point of view? A. Well, I have answered that question several times; I think the more conveyances, the more public conveyances of all kinds, the more beneficial it is to business on a street—not Broadway, but any street.

Q. But you do not think of any other way in which it would benefit Broadway or the city? A. I 609  
think it will benefit it in that way.

Q. And that benefit is confined to the property which is passed by the railroad? A. It is not only the property passed, but it is also the property that is contiguous; property in contiguous streets.

Q. The property that is passed and the contiguous streets? A. Yes, sir.

Q. But it is limited to that, is it not? A. I should think it was to a great extent.

Q. How far on contiguous streets; one block, or two blocks? A. Those things you cannot tell; you might just as well ask whether it will rain to-morrow, or snow; you cannot tell until you try; those are problems.

Q. That is your judgment, that the effect of this railroad on Broadway is as uncertain as whether it will snow or rain to-morrow? A. I mean as to the

610 question you asked, as to how far on each side it will benefit property ; I cannot tell how far ; I state, on general principles, that in my mind it is very beneficial to have a railroad on Broadway.

Q. And when I ask you why, or to what extent, you cannot think of any other reason than you have given ? A. I have told you what my answer was to that question ; that all stores and all public offices, with more conveniences than they have will be benefited, and as to the contiguous property on Church Street, or any such street, I think it would be beneficial to that property.

Q. But you don't know of any other benefit to the public than that you have just mentioned ? A. Well, it would carry the public—it would carry them up town.

611 Q. Up town ? A. Yes, sir ; you could carry them probably to the Grand Central Depot, or you could carry them to a terminus where they want to get a train for instance ; and you cannot get enough conveyances at the present day for the traffic ; from five to seven it is almost impossible to get into these public conveyances that we have to-day.

Q. Then your idea is that it would be valuable between five and seven particularly ? A. Well, in the morning and afternoon when the masses are going up or down.

Q. That is the time your idea is that a Broadway road would be particularly valuable ? A. It would be undoubtedly valuable in the mornings and after-  
612 noons.

Q. How early in the morning ? A. That I don't know, what time people go to work ; I have not paid much attention to that.

Q. What time do you think ? A. Well, I suppose from half-past six to eight ; somewhere in that neighborhood.

Q. And what time in the evening ? A. From five to seven ; you cannot get into the Elevated Railroad cars to-day between those hours, unless you start at the terminus.

Q. Well, is that the only advantage it would be to the people, between those hours ? A. I think that it would be a great advantage ; you go into the Sixth Avenue Elevated Railroad cars in the middle of the day, at two o'clock, and they are full ; unless you get into the cars at the terminus you are obliged to stand half the time.

Q. Well, then, the time this road would be particularly valuable to the people would be when the stores would not be open on Broadway? A. Well, the stores are open. 613

Q. What time is your store open for business—before eight o'clock? A. We open about eight o'clock.

Q. What time do you shut up at night? A. About six o'clock.

Q. Well, the people who would be particularly benefited would be the people who are going up and down from their business, would they not? A. Going up and down to their business, and it would take the employees of the different houses to their homes.

Q. Then it would be valuable, in your judgment, after business hours? A. After business hours—well, if you want any repairs done to your house, the mechanics could be brought to your house; they have the means of getting there. 614

Q. Well, that is the time you think a railroad on Broadway would be beneficial—before business hours? A. I think it would be full all the time.

Q. But particularly at what time about? A. Particularly mornings and evenings; when it would be fullest you would be hardly able to get in, I think.

Q. Now, how would it be day times—at other times in the day? A. I think it would be full all day long.

Q. Would you go down in a Broadway car instead of going in a Sixth Avenue car? A. Well, I should go where I considered it the most convenient. 615

Q. Well, which should you consider the most convenient? A. Well, it would depend upon which took me the quickest; my judgment is, at the present time, that I would take the Broadway car; the present Broadway cars are not as fast as the Sixth Avenue.

Q. Do you think that a Broadway car, that a car going down Broadway would get to the Astor House any quicker than it would going down University Place? A. I think the Sixth Avenue cars are faster going down-town.

Q. Then you think people who knew about it would not go down in a Broadway car if they knew the Sixth Avenue car was faster? A. The Sixth

616 Avenue cars go faster, I think ; they can travel faster.

Q. Well, do you think that a Broadway car going down to the Astor House on Broadway all the way would go down any quicker or could go down any quicker than the Broadway cars going down University place now ? A. I think they would.

Q. You think they would ? A. Yes.

Q. Why ? A. Because I think there would be less blockades.

Q. Where ? A. On Broadway.

Q. Less blockades than there are on—what is the street they go down ? A. Church Street.

Q. Now, what blockades them on Church Street ?  
617 A. Well, you cannot have a worse blockade in business hours than there is in Church Street, where they are loading and unloading all the time.

Q. What effect has that on the cars ? A. It stops them ; when anything is on the track they are stopped.

Q. You have tried that, haven't you ? A. Yes, I have seen from twenty to thirty there at a time.

Q. Twenty to thirty ? A. Well, I won't say that ; I have seen frequently blockades of nineteen and twenty cars.

Q. On Church Street ? A. Yes, sir.

Q. What stopped them ? A. Well, suppose you put this stick right in the way [indicating] across the street, how can a car go by it ?

Q. Why can't you turn around—turn out and go  
618 around it ? A. Because Church Street is too narrow ; I guess you have not been there lately.

Q. How narrow is Church Street ? A. 60 feet about, I think.

Q. 60 feet wide ? A. I don't know ; you can find out as well as I can.

Q. Is there one track there or two ? A. There is one.

Q. How far is the track from the curb, do you know ? A. Well, you will have to inquire from the railroad company, or measure it ; I don't know.

Q. Well, you have given up going down Church Street in the day-time ? A. Yes, sir ; I have given that up.

Q. What ? A. I don't go there very often.

Q. Now, you think Broadway would be a great deal better than Church Street—or as bad as Church

Street? A. I don't think it could be compared with Church Street. 619

Q. There is a great deal more travel on Broadway, isn't there? A. I don't think so, not for the width of the street; my impression is Broadway is 70 feet wide; but then, you can answer that question, I can't answer it; I think it is 10 feet wider than Church Street.

Q. It is 70 feet wide between the curbs? A. I think so.

Q. I mean, what is your impression about it? A. I think it is 70 feet, and I think Church Street is 60; those questions you can solve very easily.

Q. Then your opinion in regard to whether Broadway would be more crowded than Church Street is not founded on any particular knowledge or information that you have about it? A. Well, I know Church Street as well as anybody; I have been down there a great many times in my life; I know it is a very narrow street, and when it snows they block it up; when a truck gets in front of a car, the car can't get further, and sometimes there are five or six trucks in front of a car. 620

Q. And the others follow right back? A. Yes, sir; and the cars have to stop until the thing gets out of the way; I will defy you to make Broadway worse than Church Street.

Q. You think Church Street is the worst in the world? A. When you get a street sixty feet wide, and you get the snow plows on it and have them bank the snow, and six or seven trucks loading and unloading, and one or two trucks across—I would like to see it made worse. 621

Q. That is about the worst you know? A. Yes, sir.

Q. But suppose you had a double track on Broadway; don't you think that would be worse? A. I don't think so.

Q. Well, suppose it is twenty feet wider—? A. Well, that I cannot answer; I think a Broadway Railroad on general principles would be a benefit to the city.

Q. Now, I would like to talk about Church Street a little more; about this piling up of the snow? A. Yes, sir.

Q. You mean piling snow aside of the track? A. Yes, sir; they run a snow plow there.

Q. Who does? A. The railroad company.

622 Q. And then I understand you, the trucks go right in front of the cars? A. Yes, sir; that is the only way they can come down.

Q. And then there is a continuous line, and then everything must move at the same speed as the slowest truck? A. Yes, sir.

Q. And when there is no snow there, what is it that stops a car? A. Then the trucks blockade the tracks, and the cars have got to wait until the goods are loaded or unloaded.

Q. You have intended to give every answer you have given according to the best of your judgment? A. Yes, sir; but still a great many of these questions are about matters that I don't know it; if I asked you how long it takes you to walk up town, 623 or what stage you took up last night, and all such questions, you couldn't answer all of them, and you might say things which you didn't do.

Q. Oh, yes, I might be worse than you are; but I have no fault to find, Mr. Arnold, with you; you are here as an expert to give opinions, and that is all you have been asked substantially; I am asking your opinions about some of these blocked streets, and of course I am getting at them; but your counsel seems to think it is of no importance; that is all.

Q. Now what effect have the Elevated Roads on your business. A. I think they are very beneficial; I should very much like to have a station at Nineteenth Street; if I had known what I consider the 624 benefit of it, I would have made an application to have had one put there.

Q. On Nineteenth Street? A. Yes, sir.

Q. That would have been more beneficial to you than to have it at Twenty-third? Yes, sir; or Fourteenth Street.

Q. Fourteenth or Twenty-third? A. Yes, sir; but I own property in Twenty-third Street where the railroad runs right in front of it.

Q. Have both the Elevated Roads increased your business? A. I think they have, undoubtedly.

Q. You have no interest in any horse roads, I suppose? A. Yes, sir; I have a small interest.

Q. In what road? A. In the Broadway.

Q. The Broadway and Seventh Avenue? A. Yes, sir; but that does not influence me one particle.

Q. How much have you? A. Well, I think I have got—I bought a lot of it at 60 or 62 or 63; I

think the par value is about \$25,000, but I only gave 625 about 10 or \$15,000 for it.

Q. What is it worth to-day? A. That I don't know; I have been told it is worth 170, but I don't know.

Q. That is, you have got, then, somewhere about 40 or \$50,000 worth, in money, in it? A. I told you exactly what it is; you can make the calculation yourself.

Q. And that is what you call a small interest? A. Well, I don't think very much of it; I may say I like it very well because it turned out very nicely.

Q. But a matter of 50 or \$60,000 is small to you? A. I won't say that, but I mean to say it only cost me 10 or 12.

Q. But you have got no interest in any other 626 horse railroad? A. No, sir.

Q. How long have you owned this? A. Since about the time the Elevated Roads were built when people got a little scared.

Q. Then you went in? A. Yes, sir; I went in and bought it.

Q. You are not a director of the company? A. I am not.

Q. As a stockholder, the stock is in your name, I suppose? A. I think it is undoubtedly; yes, sir.

Q. And you say you don't know Jacob Sharpe? A. I have never seen the man in my life—to my knowledge, I mean.

Q. You bought your stock simply as an invest- 627 ment, and are holding it as such? A. I bought it as an investment, and am holding it; yes, sir.

Q. Do you own any stock in the Elevated Roads? A. No, sir; I don't own a dollar in any other road in this country—surface road, or an elevated road, or steam road or any other kind of road.

Q. Or in steamboats or anything else? A. No, sir; I am not much in stocks.

Q. Then all of your fortune which is invested in railroads is in that Broadway and Seventh Avenue Railroad? A. It is; it is the only stock I have got.

Q. Do you know anything about the relations between that road and the Broadway Surface, by contract or otherwise? A. No, sir; I have no interest in that.

Q. When were you asked to testify here to-day?

628 A. Mr. Kerr asked me for my opinion, and if I would come and testify, and I said yes, and that I have done.

Q. Mr. Who? A. Mr. Kerr.

Q. Who is Mr. Kerr? A. I don't know; he is interested in the Broadway road, I think.

Q. Is he here in the room? A. That I don't know; I guess he is.

Q. Which is he? A. I think you know him very well.

Q. You don't know what relation he has to the Broadway Surface Railroad? A. I have no idea.

Q. How long ago was it that he came to you? A. May be three or four days ago.

629 *By Mr. Scribner:*

Q. Mr. Arnold, you stated that you owned some property in Twenty-third Street? A. Yes, sir.

Q. Where is that located, Mr. Arnold? A. Located between Fifth and Sixth Avenues.

Q. There are two railroads running in that street, are there not? A. Only one running in Twenty-third Street.

Q. Only one in Twenty-third Street, yes? A. Yes, sir.

Q. Did you own that house before or after the construction of the Twenty-third Street Railroad? A. I owned it before the road was constructed.

630 Q. Did the construction of that road impair or increase the value of that property? A. Well, I think as a residence it impaired it, though I think for business purposes it has been decidedly beneficial.

Q. How as to its market value now as compared with its market value before that road was built? A. I think it is worth double now.

Q. You think it is worth again as much as it was before the road was constructed there? A. Yes, sir; I should think so.

Q. Now, you have stated that in your time you have seen a large increase in the population of the City of New York? A. Yes, sir.

Q. And during that same time you have seen a large increase in the facilities for getting about town? A. Yes, sir.

Q. A great many street railroads have been constructed? A. Yes, sir.



Q. And all the Elevated Railroads have been constructed since that time? A. Yes, sir. 631

Q. Now, has the increase of population demanded this increase of railroad facilities about town? A. Yes, sir; I think it has.

Q. And in your opinion this increase of population is likely to demand still greater public facilities for travel? A. I think the demand for increased facilities uptown now is unquestionable, even among property owners, to have more roads.

Q. You have spoken of the benefit likely to be derived by property-owners on Broadway in consequence of the construction and operation of a horse railroad on Broadway between the Battery and Fourteenth Street. Now, would not the people on the cross streets, and not only the people on the cross streets, but the people of the city having occasion to visit the cross streets, feel the benefit of a street railroad on Broadway? A. Well, I think they would to a moderate extent, on each side, undoubtedly. 632

Q. All the property on either side, and all the people who want to go to those places, would feel the benefit of a railroad on Broadway? A. Yes, sir.

Q. Now, you have stated that in your opinion the construction and operation of a railroad in front of any business place tends to the benefit of that place and its proprietors? A. That is my individual opinion.

Q. In other words, if you have goods to sell, you are likely to sell more goods where the facilities for travel are increased to bring more people to your door? A. Yes, sir. 633

Q. Well, now, Mr. Arnold, doesn't that likewise benefit the people who come to you in facilitating their getting to your store? A. Well, that answers the same question.

Q. Or, to reach a place where they can get, or think they can get, something better for their money than they can get at some other point in the city, isn't a benefit to the entire public? A. I think it is beneficial.

Q. For the entire public? A. Yes.

*By Mr. Beaman:*

Q. How long has there been a horse railroad on Twenty-third Street? A. That I couldn't tell you either.

634 Q. Well, within what time has your property on Twenty-third Street doubled in value? A. Well, it has doubled in value since—five years ago we built that store there; well, about six years ago I think the property of that block between Fifth and Sixth Avenues has, I think, about doubled.

Q. About doubled? A. I think so, yes.

635 Q. That is by reason of the railroad? A. I think not entirely that, but we took down our dwelling houses there and turned them into stores; I tried to stop it; I opposed a horse railroad and tried to stop it, but I didn't succeed, and they put it down; and as I said to Mr. Scribner here, as a residence it is a nuisance, because they pile up the snow; but as for business, it crosses all the avenues and brings the people right to the door of those stores, and on that account I look upon it as very beneficial.

Q. You had a house there, had you? A. I had three houses there.

Q. That you lived in? A. Yes, sir.

Q. And you opposed a horse railroad, and finally moved away, and your houses are used for business purposes? A. I lived there two or three or four years after the horse road was down, but as for residences I don't like them; they bank you in.

Q. Bank you up? A. Bank you up with snow.

636 Q. Now, haven't the Elevated Roads done much to increase the value of that property? A. Well, I think all these communications—I keep saying that over and over again—I think the more communication you bring there the more valuable the property becomes.

Q. Hasn't property on Broadway between Fourteenth Street and the Battery risen fifty per cent. in value the last ten years? A. That I could not say, below Fourteenth Street; I am not familiar with that.

Q. You are not familiar with it there? A. No, sir.

*Mr. Frederick A. Ward:* If it be in order, I would like to state to the Commission that I appear for Mr. Benjamin D. Silliman, who opposes this scheme.

*Mr. Scribner:* Mr. Silliman lives in Brooklyn.

*Mr. Ward:* Yes, and he is so unfortunate as to own property on Broadway.

*Mr. Scribner:* What property does he own?

*Mr. Ward:* The southwest corner of Wall Street 637  
and Broadway, opposite Fort Sherman.

*Mr. Fuller:* Southeast, I think?

*Mr. Ward:* Yes, it is southeast.

*Mr. Scribner:* And he lives in Brooklyn?

*Mr. Ward:* Yes, sir, and opposes this scheme.

FREDERICK J. STONE, called as a witness on behalf of the petitioner, being duly sworn, testified as follows:

*By Mr. Scribner:*

Q. You own some property in the City of New York, do you not? A. Yes, sir.

Q. Where is your property situated? A. Next 638  
to the Mutual Life Insurance Company's building.

Q. Next to the Mutual Life Insurance Company's Building? A. Yes, sir; the new building.

Q. Your property is on what street? A. Liberty Street.

Q. About how near to Broadway? A. 250 or 300 feet—no, three or four hundred feet.

Q. You are generally familiar with the property in the First Ward of the city and with its value, are you not? A. I think I know almost every sale that has taken place of property near Broadway, within two blocks of Broadway, on either side.

Q. Within what period of time? A. For the last six or eight years.

Q. Then you have given considerable attention to the rise and progress in market values of property in the First Ward in the vicinity of Broadway, during the last five or six years? A. Yes, sir; in the lower part of Broadway—that is, from the Battery to Chambers Street. 639

Q. Are you able to say, or have you formed any opinion which you are now able to express, Mr. Stone, as to whether the construction and operation of a horse railroad on the surface of Broadway would tend to the improvement of property in that neighborhood? A. I think it would in two or three ways.

Q. Won't you tell us in what ways, Mr. Stone? A. In the first place it would give more easy communication and make the property more accessible, and thereby increase its value; it would also, by competition, drive out the stages and remove a

640 great nuisance to the owners; it would have the same effects as the Elevated Roads have had, and increase the property, especially in lower Broadway.

Q. Your building in Liberty Street is an office building, is it not, Mr. Stone? A. Yes, sir.

Q. And you are familiar with other office buildings in that locality, are you not? A. I think I am familiar with every office building in the First Ward.

Q. You know Mrs. Boreel's building, at 115 Broadway, do you not? A. Yes, sir.

Q. And you know the Equitable Building? A. Very well.

Q. Those are both office buildings, are they not?  
641 A. Yes, sir.

Q. Now, with regard to property of that character, Mr. Stone, in your opinion, would or would not the construction and operation of the proposed road on Broadway, between the Battery and Union Square, be of benefit and advantage to buildings of that class? A. I think it would be a very considerable advantage, although the value is so great that the percentage would be comparatively small, compared with property around Forty-second Street, for instance; up town the percentage of increase might be from 25 to 30—possibly 50 per cent.; down town, where the property is worth \$150 a square foot, the percentage would be less—necessarily less.

Q. You are familiar with the effect which the recent construction of a street railroad in Forty-second Street has had on property in that neighborhood, are you not? A. Yes, sir.

Q. Will you tell the Commissioners, please, whether its effect has been beneficial or otherwise, and if there has been an increase, about what has been its percentage? A. I think, taking real estate throughout the town, as a general thing there has been a decline or a weakness equivalent to possibly 10 per cent. in the last eighteen months; I think in Forty-second street property is worth 25 per cent. more than it was a year ago, and not only is it worth that much more, but if an owner wished to sell he could effect a sale within three or four days.

Q. Do you know of any other cause affecting the value of real estate on Forty-second street except the recent construction of a railroad through that street? A. No, of course the Grand Central Depot

benefits it ; I think that street is more likely than 643  
any other in town to improve rapidly.

Q. How do the facilities afforded by street cars compare with the facilities afforded by omnibuses, such as are running on Broadway? A. Well, the street cars are much more agreeable to ride in naturally, and the omnibuses are very disagreeable to the owners of property or to the occupants of property on the streets through which they run.

Q. In consequence of the noise and rumble they make? A. Yes, sir ; and then they tend to block up the traffic more than the cars do ; they are slower.

Q. Street cars are much more easy of ingress and egress than stages, are they not? A. A great deal more.

Q. Street cars as a rule are more rapid than the omnibuses, are they not? A. Yes, sir. 644

Q. What, in your opinion, would be the effect on Broadway property, between Chambers Street and Fourteenth Street, by the construction and operation of the proposed street surface railroad to be operated by horse-power? A. Well, I think it is absolutely essential to the salvation of the property ; I think that unless the road is built the property will decline 25 to 30 per cent. within the next two or three years ; I think if a road is built it may maintain its value—probably would.

Q. But in your opinion what part of Broadway will profit most by the construction and operation of a street railroad? A. I think the part south of 645  
Chambers Street.

Q. Well, Mrs. Boreel's building is situated south of Chambers Street? A. Yes, sir, and further down, too.

Q. Then the lower part of Broadway, in your opinion, will be more benefited by the construction of a street railroad than that part between Chambers Street and Fourteenth Street? A. On the same principle that the terminal property around a railroad is more valuable than around any of the intermediate stations—that is, the real estate around these intermediate stations; I think that has been the case with the Elevated Railroads ; there has been a larger percentage of advance in the very lower part of Broadway than in any other part—I mean contiguous to the station.

646 *Cross-examination by Mr. Beaman :*

Q. Do you own any property on Broadway? A. I have an interest in a mortgage on Broadway.

Q. You are a lawyer? A. Yes, sir.

Q. Do you think that is owning any property on Broadway? A. Technically no; practically yes.

Q. Why is it practically owning property on Broadway? A. Because I am afraid if I shall foreclose the mortgage I shall own the property.

Q. That is, any person, in your judgment, that is interested in property, and the future results of it, to the extent of his security for a debt, is in one sense an owner? A. He is an equitable owner, perhaps not the legal one.

Q. Where is that property? A. Adjoining Cyrus W. Field's property.

Q. Well, Cyrus W. Field owns different property? A. Well, the property known as the Washington Building.

Q. What is its number? A. I think the property is 5, 7, 9 and 11 Broadway, running through to Greenwich Street.

Q. That is the building known as the "Washington" Building? A. There is no building on this property of any value.

Q. But you have mortgages on 5, 7, 9, and 11? A. I am interested with some other gentlemen in a third mortgage.

Q. On that property? A. Yes, sir; I think all third mortgages are necessarily poor.

646 Q. How poor is this one? A. Well, I don't know.

Q. How much is it for? A. \$50,000.

Q. Have you any other interest in property on Broadway? A. No, sir.

Q. What interest have you in this building on Liberty Street? A. I am the owner.

Q. Sole owner? A. Yes, sir.

Q. Is it what is known as the "Stone Building"? A. Yes, sir.

Q. Is it a building for offices? A. Yes, sir.

Q. Whereabouts is it on Liberty Street? A. 115 feet 9 inches east of Nassau Street.

Q. How long has it been built? A. About forty years.

Q. In its present condition? A. No, sir; I altered it.

Q. You have altered it over practically for office purposes recently; haven't you? A. Yes, sir.

Q. How recently? A. Well, within the last 649  
three years.

Q. Well, your idea is that property will be increased in value by a horse railroad on Broadway?

A. I think all office property in the First Ward will be benefited by better communication in Broadway than we have at present.

Q. Well, do you think that horse railroads will be better? A. Well, I think we need better facilities than we have at present.

Q. Well, do you think that horse railroads will be better? A. I am rather interested in elevated roads; if I thought this would be injurious I should not favor it.

Q. I understand you are interested in elevated roads? A. Yes, sir.

Q. You mean in Mr. Field's elevated roads? 650  
A. Yes, sir.

Q. But the question is now whether you think this horse railroad on Broadway would give better communication on Broadway than we now have?

A. I think it would benefit all those who have property in or near Broadway; I do not mean five or six blocks away but within five hundred or a thousand feet; I think we all would benefit more or less.

Q. Understand that that is not my question; my question is whether you think this horse railroad on Broadway would give more facilities than stages? A. Infinitely more.

Q. Will they give more facilities than we now have? A. Not only more but better facilities; I 651  
hesitate to ride in a stage and prefer to walk, but I would jump on a car if it was going by, almost every time.

Q. And lose the exercise? A. I mean to come up to Court, for instance.

Q. You think, then, that horse-cars on Broadway, from the Battery to the Court House, would be a facility for travel; that is your judgment about it?

A. Yes, sir; I should walk from Nassau Street to Broadway and take one.

Q. And that would be so if you considered the question as to what effect they would have on blockades—blocking the street? A. Well, I think they may have a tendency to interfere with the trucks, but I think that would be a great advantage to the property owners if they did; I think one of the troubles on Broadway is the excessive trucking; I

652 think that if the trucks could be forced to go on New Church Street or on Centre Street, or on some of the other streets, it would be of the greatest possible advantage to the property owners—I mean south of Chambers street, for instance.

Q. But suppose you could not get the trucks off?

A. Well, I think probably we have got to submit to them.

Q. Well, then, you think that you have got to keep the trucks on Broadway below Chambers street? A. Some; to a certain extent.

Q. Why? A. Because I think the business is increasing in the city, and I think every street will be more or less occupied.

653 Q. You don't think there is any place to crowd them off Broadway, do you? A. Yes, sir; I think they ought to go up Church Street or up Pearl Street; they cannot go up Pearl Street very far, but I think the easiest place for them to go is under the elevated tracks, for instance, because they always get a clear, open, unobstructed space.

Q. But as they are; take the trucks on Broadway to-day and keep them there and have a horse-rail-road running there; is it your judgment that horse-cars would afford more facilities than omnibuses do, with the travel that there is there? A. I think one horse-car would carry as many passengers with equal comfort, or greater comfort, than three stages will.

654 Q. That is, you can sit in there and wait? A. Well, if you have to stand you can stand in a horse-car, but you cannot in a stage.

Q. They afford more facilities for sitting down or standing up? A. Yes, sir.

Q. Now, my question is, whether they would afford any more facilities for getting along? A. I think the speed of a horse-car is greater.

Q. Yes, it is and is not; I want to know whether you think a horse-car on Broadway can go faster from Wall Street to where we are now, to Chambers Street, on Broadway, as it is to-day, than an omnibus would? A. I think they would go 50 per cent. faster.

Q. That is your judgment about it? A. I having been a stockholder in some of the horse-car companies, I had some little experience in them.

Q. But you have not had any experience with any on Broadway? A. No.

Q. My query is whether it is your judgment



that a horse-car would go quicker from Wall Street 655  
to-day than an omnibus would ; whether a line of  
horse-cars on Broadway would run quicker ? A. At  
least 50 per cent. quicker.

Q. That is, they would go in two-thirds of the  
time ? A. Not only 50 per cent. quicker, but the  
whole traffic could be carried in one-half the number  
of cars.

Q. And 50 per cent. quicker ? A. Yes, sir.

Q. If there was one-half the number, then, you  
would have to wait twice as long for one to come  
along, would you not ? A. Yes, sir ; but that would  
not be very serious.

Q. That would not amount to much ? A. No.

Q. But that would be more than counterbalanced  
by the time you saved in riding ? A. I think they 656  
could increase the traffic by better accommodations  
on Broadway.

Q. You think the omnibuses could ? A. No, sir ; be-  
cause I think the accommodations are not good, but I  
think with clean cars, such as the Fourth Avenue  
line, for instance. I think that traffic—the present  
traffic on Broadway—could be very largely increased.

Q. Then your idea is that there would be more cars  
than omnibuses ? A. Not necessarily ; I mean to  
say that the total passenger traffic would be in-  
creased ; the number per capita.

Q. More people traveling in horse-cars than omni-  
buses ? Yes, sir ; very largely.

Q. Then the cars would take people that are now  
riding in omnibuses and more too ; that is your 657  
judgment ? A. Yes, sir.

Q. Now, doesn't a car take up more room than an  
omnibus ? A. I shouldn't consider it as much of a  
nuisance in the street.

Q. Doesn't it take up more room ? A. Well, it  
may be a little larger or a little longer.

Q. Hasn't it much less facility for getting out of  
the way ? A. No, I doubt it ; I think the stages are  
very cumbersome and very heavy.

Q. Can't they turn and go out into any part of the  
street, or get around any obstruction, or go into any  
side street ; can't they go where they please, practi-  
cally, except something blocks them ? A. Well, I  
think that is a negative advantage.

Q. Well, it may be a negative advantage, but isn't  
it an advantage that they have ? A. Not to the peo-

658 ple who ride in them ; we want to go the shortest possible way to get to our destination.

Q. The question that I am asking you, Mr. Stone, is simply this, as to whether as a matter of fact, an omnibus cannot go practically where it pleases in the street, on either side, or to avoid any vehicle? A. Yes, sir.

Q. Well, now, isn't a horse-car limited substantially to its track? A. Yes, sir.

Q. Now, isn't it, as you know, a disadvantage, if you want to go ahead, to have a vehicle that can only go in one particular line or place? A. Well, I think that in a very narrow street, your argument would be correct ; but I think in a wide street like Broadway, that the tracks would be of inconsiderable damage.

659 Q. Isn't what you call my argument correct in a crowded street? A. No, sir.

Q. Whether it is wide or narrow? A. No, sir.

Q. Why not? A. Well, I do not think so ; I think it is a question of fact ; I don't think it is a question of judgment ; I think that a car would be very little more, if any, in the way than a stage in Broadway ; I think in a very narrow street, as for instance in some of the streets down town which are from 25 to 30 feet wide between buildings, and 12 to 15 feet from curb to curb, it might be different ; but Broadway is 40 feet wide from curb to curb, and of course the space taken up by the track is very small comparatively.

660 Q. But suppose there are as many carriages per square foot on Broadway as there are on the narrow streets, isn't it just as difficult for a car to get through Broadway proportionately as it is through the narrow streets? A. No, sir ; the difficulty in narrow streets consists, as in Church Street, that trucks standing at a store on the side reach out from the curb across the track ; in Broadway I think that there would be room for at least two lines of carriages on either side of the track—on both sides of the track.

Q. That is to pass up and down? A. Yes, sir.

Q. And you are testifying on that basis? A. Yes, sir ; substantially ; I think Broadway is about 40 feet wide ; I think that two carriages could pass easily in 13 feet ; that would make 26 feet.

Q. And you say it is 40 feet wide? A. Yes, sir ; from curb to curb ; I think the sidewalks are 15 feet

each, and the street from curb to curb about 40 ; 661  
now, take 26 from that and it would leave 14 feet in  
the center.

Q. Your idea is that there would be room for two  
carriages to pass abreast between the car tracks and  
the curb ? A. On each side ; yes, sir.

Q. And trucks loading endwise on Broadway  
would not interfere at all with the cars ? A. Well,  
they would interfere very little compared with the  
narrow streets.

Q. Well, they would interfere as far as they pro-  
jected ? A. I don't think they would project.

Q. Your idea is they wouldn't project ? A. Not  
enough to block the car.

Q. But if they do, you have the trouble that you  
have in the narrow streets sometimes ? A. Yes, 662  
sir.

Q. And if it should turn out that that was not  
the width of Broadway, why, that would not be the  
conclusion you would arrive at ? A. Well, I know  
that Broadway is about that width, substantially  
that width.

Q. But your testimony is on that basis, and you  
agree that in a crowded street or in a narrow street  
a horse-car has not the convenience for getting out  
of the way of vehicles and travel that an omnibus  
has ? A. In a narrow street it may be.

Q. Or in a crowded street ? A. No, I do not con-  
sider that that is the same thing by any means ; I  
think a narrow street it may be positively objec-  
tionable in ; but in a crowded street I think that if 663  
the cars are run with any sense and discretion, they  
can get out of the way just as the stages get out of  
the way.

Q. The cars cannot get out of the way at all ?  
A. Why, certainly ; of course they can.

Q. How can the cars get out of the way ? A.  
Well, people who drive can get out of their way.

Q. Well, the cars cannot get out at all, can they ?  
A. Certainly.

Q. What can a car do except to stay on the track,  
either in motion or otherwise ? A. Well, if a person  
is approaching the car, the car can stop and let him  
go ahead.

Q. But there isn't anything that a car can do ex-  
cept to stop or go ahead ? A. Certainly.

Q. It is confined to its track ? A. Certainly.

Q. And there is no facility in it except that ; it

664 cannot get out of the way ; it can stop or go ahead, but it cannot get out of the way, and in a crowded street people meet each other, or wagons meet each other, that want to pass ; isn't that so ? A. Yes, sir.

Q. Now, in such a situation as that, a car meeting a wagon, there is nothing to be done by the car except to stop, is there ? A. Yes, sir.

Q. And then if it happens that there is no space on either side of the car so that the wagon cannot get between whatever causes the block and the car, everything is stopped, isn't it ? A. Yes, sir.

Q. There is no practical backing of a car as there is of a stage, is there ? A. No, sir ; a car can scarcely be backed.

665 Q. In a crowded street, of course not ? A. I think one of the difficulties that there is with the Broadway traffic is, that the stages cross from one side to another, diagonally, and spin around ; I think in a street it would be much less incommoded by a track if the police were there to keep the vehicles going, for instance, up town on one side, and going down town on the other ; I think that the stages damage the business and property of Broadway very much ; I have had tenants come to my place that left Broadway because of the noise ; of course they get a great deal cheaper offices—but still they object to the noise.

Q. Then it will hurt you to have the stages taken off of Broadway ? A. Not very much.

666 Q. You are not afraid of that ? No, sir ; not afraid.

Q. I guess you have not had many leaving you on account of the noise ? A. No, sir.

Q. It is very quiet down at your place ? A. They seem to like it.

Q. Where do you live, Mr. Stone ? A. In Westchester County—Dobbs Ferry, Westchester County.

Q. And you come down the roads, I suppose, that you are interested in—on the elevated roads ?

A. I come down on the New York City and Northern Road.

Q. And then on the elevated ? A. Yes, sir.

Q. Have you ever lived in the city ? A. Yes, sir.

Q. How long since ? A. Sixteen years ago.

Q. Do you own any stock in any horse roads to-day ? A. Not a dollar.

Q. Not interested in this railroad ? A. Not a

dollar, I don't know what this railroad is, by the way. 667

Q. Well, we are only talking generally about railroads—that is, horse railroads? A. I am interested in a good many steam railroads, but not in any horse railroads or city railroads.

Q. You have spoken that in your opinion this would help Broadway below Chambers Street more than it would above; is that your judgment? A. I think so; yes, sir.

Q. That it would be more valuable to Broadway below Chambers Street, per square foot, than it would be to Broadway above Chambers Street, per square foot? A. There is a part of Broadway that I wouldn't buy at any price, above Chambers Street; I should not care to buy it for investment; I think there would be an inevitable decline; I think that it has already; perhaps the rents may not have gone down as yet, but the tendency has been, I know, that way within the last year or two. 668

Q. You wouldn't buy any property there? A. I wouldn't buy between Grace Church and Chambers Street to-day, unless I got it a third below its value.

Q. How old are you, Mr. Stone? A. Thirty-one.

Q. Are you engaged in the purchase of real estate? A. I buy real estate in this city at moderate amounts, that is cheap; I am ready to.

Q. Do you think the property on Broadway above Grace Church is going to depreciate a third of its value? A. I didn't say above; I said below Grace Church—between Chambers Street and Grace Church. 669

Q. I beg your pardon; I confounded Grace Church with the church below here? A. I should say to Fourteenth Street, perhaps.

Q. You think that between Fourteenth Street and Chambers Street property will depreciate within a year? A. No, sir, not within a year; that is not what I said; that would be pretty rapid.

Q. Well, how soon about? A. Real estate hardly declines as fast as that; I think there are a great many leases that run for long terms of years, and they are not changed; but when landlords next come to renew their leases I think, unless there is some change, they will feel they will have to bear a reduction of rents.

670 Q. Well, what is going to produce all this change?  
 A. Well, because the business property is not as desirable; people prefer to take the elevated roads, or travel along where the line of traffic is more marked. There has been a tendency to take traffic from Broadway, and unless that tendency is corrected, the property will feel it.

Q. What do you think is going to become of the business, that is between Chambers Street and Canal Street? A. Well, I think that the property that will suffer the most will be between Canal and Tenth Streets, for instance.

Q. But what is going to become of all this other section? A. Well, there is a tendency of all property to advance, because New York is an island, and in a certain sense of the word it is a corner; but I think there will be less of an advance there than elsewhere among business property.

Q. But now you are talking of advancing—just a moment ago you said you wouldn't buy it at a third off.

*Mr. Scribner:* Unless there was a change, he said.

*The Witness:* Well, I think there will be a change; I think there will be a road built there.

Q. You think there will be a road built there? A. I think there will, undoubtedly.

Q. But if there is no road built, I want your judgment about it; if I understand you, you testified that your best judgment is that property on Broadway, between Canal Street and Chambers Street, is not worth more than two-thirds of its present value unless there is a horse railroad put through there? A. I think that within the next ten years, as compared with other property—you can hardly measure it—if there is a rise in value throughout the city it may not decline; but if the property in the rest of the city remains stationary, then this will decline in comparison, of course.

Q. Well, you do not expect to see much of a decline in Broadway, between Chambers Street and Canal Street, if there is a horse road put upon it? A. If there is nothing done I rather expect to see it.

Q. How much? A. Ten to twenty-five per cent.

Q. Between Canal and Chambers Streets? A. Between Chambers and Fourteenth.

Q. Well, I am talking about between Canal and

Chambers first; I want to know if you expect that that property will fall off 10 or 15 per cent. if there is no horse railroad put upon Broadway there? A. I do. 673

Q. Do you expect it will advance 10 or 15 per cent.? A. I think it will decline; it may possibly advance a small amount; I think there is a tendency to feel the depression that everything else has undergone.

Q. Don't you think this depression is going to take place without regard to a horse railroad? A. No, sir; I think if a horse railroad is going to be built there, it will be sufficient to arrest the depression.

Q. Have you ever owned any property on Broadway? A. Yes, sir.

Q. Whereabouts? A. North of the Washington Building; I have not individually owned it, but I have had an interest in it. 674

Q. But it has only been right in that block? A. Yes, sir.

Q. You have never had any other? A. No, sir; except in the First Ward.

Q. Have you ever been in any business in New York except as a lawyer and in the real estate business? A. No, sir; well, the president of one or two manufacturing companies.

Q. Where are they situated, New York? A. No, sir; in the State of Ohio; they have their office here, though.

Q. They have their office here, though? A. Yes, sir. 675

Q. The situation of Broadway, between Canal Street and Chambers Street—what do you think is going to take place there if there is no horse railroad put there—between Canal Street and Fourteenth Street, I should say? A. Well, I think that would have a more unfavorable effect than on that portion between Chambers and Canal.

Q. That will be hurt? A. I think that the property south of Canal Street is a little better than that north. I think it has got to be very dull and dead up there, and real estate moves very slowly, especially business property, and it is hard to feel any bad effects; I talked with people who own business property there, and they feel a little blue about it; they don't like it; most of the people I know favor a railroad.

676 Q. Did you hear Mr. Arnold testify here? A. Yes, sir.

Q. What do you think about what he thought about its going to open Broadway and Union Square? A. Well, I think he is ten years to soon.

Q. You think in twenty years there will take place just what he says? A. Substantially.

Q. What do you think will be the value of property then on Union Square and Broadway; as much as it is now, or more? A. About the same; it is pretty high now.

Q. Will that change take place, in your judgment, without regard to whether there is a horse railroad or not? A. Well, at Union Square the traffic is fairly well supplied now by the cross-town roads and the Elevated Roads; there are four stations of the Elevated Roads at Fourteenth Street; but I think Union Square would be very much benefited by the construction of a road up Broadway.

Q. My question is, whether you think the change in the general business character of Union Square and Broadway, that Mr. Arnold thought would take place in ten years, and which you think will take place in twenty years, will be accomplished whether there is a horse-car track or a horse railroad up Broadway to Fourteenth Street or not? A. I think there is a tendency for certain classes of business to work up-town; they are gradually working up.

678 Q. And that you think will happen whether there is a horse railroad on Broadway or not? A. Well, it might be a little quicker if there was a horse railroad.

Q. But a horse railroad would not affect it any other way? A. I think the tendency would be—I think the business will go up that way in any event—retail business.

Q. And that retail business will be driven out of Broadway below Fourteenth Street? A. I expect to see Forty-second Street the great retail street within the next ten years.

Q. Forty-second Street? A. I think it will be more of a retail street than Fourteenth Street is to-day.

Q. In ten years? A. Yes, sir.

Q. What is going to happen to Twenty-third Street? A. Well, that will always be good.

Q. How about Fifty-seventh Street; what is



going to happen to that? A. Well, I don't know 679  
as much about Fifty-seventh Street; I think the  
improvements are so costly that they will hardly be  
changed; I think Thirty-fourth Street will be bene-  
fitted by a horse railroad.

Q. Is Thirty-fourth Street going to be a retail  
street largely? A. I don't know; I doubt very  
much if they get a road through Thirty-fourth  
Street; there is so much opposition.

Q. But if you get a horse railroad through there  
it would be what kind of a street? A. Well, if the  
times should improve it would see somewhat similar  
improvements to those in Twenty-third Street.

Q. Retail business going up there? A. Yes, sir.

Q. Now, when this change takes place that you  
seem to think is inevitable, won't there be more 680  
travel on Broadway below Fourteenth Street than  
there is now? A. As the city increases, necessarily  
so.

Q. Do you see any reason to think that, as the  
city increases, Broadway will have more travel than  
it has now? A. I do see it.

Q. Do you see any reason to think that, as the  
city increases, Broadway won't have more travel  
than it has now below Fourteenth Street? A. Oh,  
it must necessarily have more travel; travel in-  
creases on all the roads in the city from year to  
year.

Q. Would not the heavy travel, and the trucking  
and the vehicles that go on wheels, increase very  
much in that part of the city? A. Well, there are 681  
one or two conditions which may change that; the  
movement of the steamship companies up-town, and  
the possible building of the Harlem Ship Canal, and  
other improvements of that character; but if busi-  
ness should remain just as it is at present—but I fail  
to see how it could be increased very largely with  
the present dock accommodations; the docks are  
doing all the business they can at present, so much  
so that the rental of some of the docks has gone up  
\$70,000 or \$80,000 a year, which is almost prohib-  
itory.

Q. So much business done down around these  
docks? A. I think that it will be cheaper for the  
steamship companies to rent docks further up  
town.

Q. Well, this business in connection with the  
docks, so far as it goes up and down town, is, to a

682 great extent, up and down Broadway, is it not? A. Yes, sir; largely.

Q. And practically, then, Broadway is and must be a grand thoroughfare for those goods that are landed on the docks, so far as they are going up and down town? (No response.)

Q. And why is that a necessity—the situation of New York? A. Well, I don't think it is a necessity; I think it is a great mistake; I think the city ought to widen the streets, as they did New Church Street, and relieve Broadway; I think it is a great mistake; I think we need another artery of travel on each side of Broadway.

Q. You think Broadway needs relief? A. I think it is about as bad as it ever can be.

683 Q. What do you mean to say by that? A. I think the street is crowded.

Q. Where is it crowded? A. Well, pretty much all the way up.

Q. All the way up—you don't mean all the way up to Fourteenth Street? A. No; I mean up towards Canal Street.

Q. From where? A. Well, from, say, the line of the ferries—Liberty Street and Wall Street—from there north; but I think it is crowded largely by the stages.

684 Q. Exactly. A. So that I think the removal of the stages—I assume that they would be removed by the competition of the horse-cars, because they could not do business and live in competition with the horse-cars—I assume that their removal will lighten Broadway to a certain extent; I think that less horse-cars will be required than the present number of stages.

Q. Through that you expect some relief? A. Yes, sir.

Q. Do you know how many stages there are on Broadway to accommodate this traffic? A. No, sir; I have never looked into this matter at all.

Q. Do you know what percentage the stages bear to the total travel by the Astor House? A. No, sir.

Q. Well, on this question of relief of Broadway, what other way could Broadway be relieved from this great pressure that is now upon it? A. Well, there has been some talk about one of our horse lines that have a charter which allows them to do it, to run freight on their lines; I think that that ought to be utilized. I think that the public ought to be

educated up to that idea ; their charter allows them 685  
to run freight on their track.

Q. Any other way? A. Well, there has been  
some talk I think of opening these other streets,  
and widening them as I suggested.

Q. Well, you are in favor of all these plans, aren't  
you, for the purpose of relieving Broadway? A.  
Yes, sir.

Q. Why? A. Because I want to see the city  
grow ; I am interested in the welfare of the city ; I  
think every taxpayer, every owner of property here  
ought to be interested in it.

Q. You think that anything that will relieve  
Broadway will help the city? A. Certainly ; but I  
think the rights of the property owners on Broadway  
ought to be paramount to the city at large.

Q. You think the property owners on Broadway 686  
ought to have what they want? A. I think they  
ought to be allowed to have a road there, certainly.

Q. Suppose they don't want it? A. I think the  
wise ones do ; I think there are a certain number of  
people that object to every public improvement ; I  
have noticed a great many ; now there is a gentle-  
man on the corner of Forty-second Street and Fifth  
Avenue who enjoined the removal of the reservoir,  
when it would have benefited his property very  
largely.

Q. You don't like people who object? A. I ob-  
ject to any man that objects to public improvements ;  
I like to see the public good.

Q. But he is of a different opinion from you prob- 687  
ably? A. I think if he had owned the land instead  
of having built on leasehold property, he probably  
would have consented to the removal of the reser-  
voir.

Q. Then you think a man who owns land is more  
sensible than a man that rents property ; is that it?  
A. I didn't say that.

Q. What do you mean? A. I say there is a cer-  
tain class of men in the community that object to  
everything, and I only incidence that gentleman,  
who is an able man and a good man, as a type of the  
class ; he objected to the railroad in Forty-second  
Street, he objected to the removal of the reservoir  
(but which I think would have benefited him), and I  
think the building of the railroad has benefited the  
land very much.

688 Q. Such fellows as those you would call cranks?  
A. I didn't say that.

Q. What would you call these people that don't know enough to manage their own property, or who object to things that would be to their interest? A. I think there are men that stand very selfishly in the way of improvements.

Q. What kind of a man do you recognize Cyrus W. Field to be? A. I think the property of New York has increased a couple of million of dollars by what he has done.

Q. Suppose he owns the building next to you, and says the building of that railroad would hurt him, and you owned the next building and say it would help him; what would you say, that he was a fool, or what? A. I think the courts could pass on that question.

Q. He has had more experience than you, hasn't he? A. I admit that.

Q. And presumptively his opinion is of more value than yours.

Q. Mr. Stone, don't you think it is a necessity that the city should in some way or other relieve Broadway between Canal Street and the Battery of the travel that is now upon it? A. I think it would be desirable.

Q. Don't you think the property on Broadway will be much damaged if it is not done? A. Well, I think the presence of so many trucks on the street is very detrimental.

690 Q. Aren't those trucks going to and fro, to a great extent, to stores that are situated on Broadway? A. No, sir, I think not; I think a very large portion consist of travel from Brooklyn and Long Island up to and through Broadway; I think that a great many carriages from Brooklyn come over on Broadway, but I don't object so much to them, but I think that, as they do in Paris, it would be far better to have certain streets which could be used, exclusively for the trucks, if possible, although that is undemocratic.

Q. But you think trucks should have a show somewhere? A. I do; I think we could afford to widen some street—continue New Church Street, widen it all the way up.

Q. Now, what did you say about these trucks going up Broadway; where do you think they come

from and are going to? A. A great many come 691  
from across the ferries, a large proportion.

Q. Come across from Jersey? A. Yes, sir, and  
from Brooklyn.

Q. Where are they going to? A. Different parts  
of the town: they take Broadway in preference to  
some side streets; I think if the side streets were  
wider, they would take the side streets instead; I  
think we could afford, as a city, to widen as least  
two streets north and south; but property on  
Broadway is too valuable to be made merely a street  
for traffic.

Q. It should not be used for travel? A. It should  
not be used merely for hauling goods; it should not  
be made practically a freight road.

Q. But it is practically a freight road now? A. 692  
No, it is mixed; it is an artery of travel, and it is  
also an artery for carrying freight; but I think it  
would be far better for the people of the city, if  
they could use Broadway to ride up and down on,  
and have some of the side streets for the trucks.

Q. Ride up and down in what? A. Well, I  
should favor—I don't see anything better than a  
horse-car for Broadway; I do not see that there is  
any alternative.

Q. Haven't you thought of a cable road? A. I  
don't know anything about the merits of cable  
roads.

Q. Now, do the Long Island people use Broad-  
way much for trucking? A. Well, I occasionally 693  
see trucks from Long Island going up; I don't  
know why they do.

Q. You think they prefer Broadway to the side  
streets? A. Yes.

Q. Why? A. Because I think it is the pleasant-  
est to ride on; I think that is what they think.

Q. Do you mean the scenery? A. I prefer to  
walk up Broadway rather than New Church Street,  
for instance.

Q. Do you say that is the reason they go there?  
A. I think a driver naturally goes to a pleasant  
road.

Q. Don't you think he goes there because it is the  
easiest and quickest to take his load? A. I admit  
it is at present; but I advocate making some other  
roads that will be equally as good.

Q. Oh, certainly; but to-day I want to know if  
truckmen don't go there because it is the most

694 practical and easy way for their horses to carry their loads? A. Well, perhaps so; yes, sir.

Q. Well, don't you think so, and don't you know so, so far as you know any of these questions?

A. Well, I think it is the best road.

Q. Well, is there any artery, as you call it, between Fourteenth Street and the Battery, in which it is at all practical or convenient for a man to drive in his carriage or, if a teamster, to drive his loaded truck? A. Possibly West Broadway.

Q. But my question is from the Battery to Fourteenth Street? A. No, sir; I don't think so.

Q. No other way? A. No, sir.

Q. Is there anywhere where that travel can go practically unless it is on Broadway? A. Well, I think if we assume that the building of a railway  
695 on Broadway would be a detriment to travel on Broadway, to the extent of that detriment it would cause traffic that now goes on Broadway into the side streets.

Q. Do you think it would be a detriment to this truck travel on Broadway? A. I think the damage is imaginary, largely.

Q. Well, do you think it would be a detriment to the truck travel on Broadway? A. Possibly; I don't know whether it would or not; I can't say; I think that the benefit to the owners of property would be considerable, and I think that their right ought to be paramount in that regard; I don't know whether the scope of your inquiry takes that in or  
696 not.

Q. Don't know what? A. I don't know whether the scope of the inquiry takes that in.

Q. It probably don't take the paramount part, but it takes in their interest undoubtedly as one of the elements; we are here considering all the elements; we are not confining ourselves to the rich, or limiting ourselves to the poor; the question about truckmen was what I was asking you, and I was asking you whether it would not, in your opinion, be disadvantageous to the truckmen to have a horse railroad in Broadway, supposing that they are not relieved in some other way? A. Well, it might to a certain extent, to a moderate extent.

Q. But to what extent, you are not prepared to say? A. No, sir.

Q. Wouldn't it be a detriment to all persons who drive cabs or hacks, or who drive other carriages

down Broadway? A. I think if we had a horse railroad on Broadway, there would be a less number of hacks and cabs used. 697

Q. But so far as men make their living by driving hacks and cabs, it would injure them? A. I think they could do better if they confined themselves to the short trips instead of to the long trips up and down town; you see they have to make a trip down town and wait all day to get a passenger up.

Q. Your idea is that if you were a cabman you wouldn't come below Fourteenth Street? A. No, sir.

Q. But people who come below Fourteenth Street, and think they make their living out of it, and perhaps do, would be injured by a horse railroad? A. There are only a limited class that patronize them.

Q. Whatever may be their numbers, and whatever may be the amount they have invested in that property, they are not to be considered? A. Oh, I don't know; I think they could get along pretty well. 698

Q. Would you consider it as a matter — A. I think the rule should be the greatest to the greatest number; I think the public at large would be benefited, if they had better communication in the centre of the island; I think they have got facilities now east and west of Broadway, but not on the backbone of the island.

Q. But you wouldn't believe in doing that for the benefit of a few property owners? A. Certainly not; although I think, as some of the objections to building the road seem to come from some property owners, it is proper to give weight to the fact that a large number of the property owners believe that they would be benefited, and I think experience in other streets shows that. 699

Q. Mr. Stone, have you ever owned cabs or driven trucks, or had anything to do with such business? A. I never have.

*By Mr. Scribner:*

Q. Mr. Stone, I want to ask you a single question; have you any doubt but that every office building on Broadway, and the tenants of such buildings, would feel the benefit of a railroad on Broadway? A. Not at all; I think they would be benefited very much.

700 *By Mr. Beaman :*

Q. I think you said that you thought your mortgage was a weak mortgage or a poor mortgage?

A. No; you asked me if I was the owner of property on Broadway, and I said I had an interest in a mortgage and might become the owner.

Q. You thought that was a weak mortgage. I understood you to say? A. No, I said I owned a third mortgage, and in view of the possible ownership of the property I felt interested in having anything done that would benefit Broadway.

Q. Didn't you speak of it as a poor mortgage? A. Well, I should not have said that; I said it in an off-hand way; perhaps I should have said simply that I had a third mortgage.

701 Q. Do you think this horse railroad will much increase the value of that property? A. Well, I think it will increase it enough to make my third mortgage good.

Q. Well, you are doubtful about it now? A. Well, a little, possibly; I would feel better if I had a road there.

Q. How much difference do you think it would make in the value of that property? A. Well, ten per cent.

Q. How wide is the property on Broadway? A. Well, it is not that so much, in that particular place; it is in lower Broadway; I think one of the troubles with lower Broadway is the lack of facility  
702 for getting up; people dislike to walk up; people who want to come up to Wall Street or to the Post Office, they dislike to walk, and I think that that property would be benefited very considerably by increased facility.

Q. I asked you how wide your property is on Broadway? A. We have a front of 162 feet.

Q. And it goes to the Field building, as I understand you? A. Yes, sir; I don't own the property; I simply have an interest in it as a mortgagee.

JAMES E. SERRELL, recalled for further examination:

*By Mr. Scribner :*

Q. Have you, since the last meeting of the Commission, made some measurements on Broadway?

A. I have, sir.



Q. And ascertained the width of the carriageway from curb to curb, at different points? A. I have sir. 703

Q. Will you please tell me what is the width of Broadway at Seventeenth Street—the carriageway? A. 34 feet 4 inches.

Q. What is the width of Broadway, that is, from house-line to house-line, at the same point? A. 75 feet.

Q. Then the sidewalks there are how wide? A. Well, one sidewalk is wider than the other.

Q. What is the width of the sidewalks? A. The ordinance requires they should be 19 feet.

Q. You didn't measure them? A. No, sir.

Q. But you did measure the carriageway? A. Yes, sir.

Q. And found it to be only 34 feet 4 inches? A. Yes, sir. 704

Q. There are double tracks there, are there not? A. There are, sir.

Q. There are double tracks there of the Broadway and Seventh Avenue Railroad that have been in use and operation for the last twenty years? A. I should think, sir, about twenty years; I don't recollect.

Q. What is the width of the carriageway of Broadway, that is, measured from curb to curb between Twentieth and Twenty-first Street? A. It is 28 feet and 2 inches.

Q. 28 or 38? A. 38 feet and 2 inches.

Q. The double tracks of the Broadway and Seventh Avenue Railroad Company pass that point, do they not? A. They do, sir. 705

Q. And that railroad has been in use during the last twenty years? A. I think it has, sir, and may be more.

Q. What is the width of the carriageway of Broadway, measured from curb to curb, between Twenty-fifth and Twenty-sixth Street? A. 38 feet 11 inches.

Q. The Broadway and Seventh Avenue Railroad Company's double tracks pass that point, do they not? A. Yes, sir.

Q. Will you tell me what is the width of the carriageway of Broadway at Fourteenth Street? A. It is 42 feet.

Q. How much wider is it at Fourteenth Street

706 than at Seventeenth Street? A. It would be 7 feet and 8 inches.

Q. 7 feet and 8 inches wider at Fourteenth Street than at Seventeenth Street? A. Yes, sir.

Q. What is the width of the carriageway of Broadway at Grace Church? A. It is 42 feet and 2 inches.

Q. Is there any substantial variance in the width of Broadway, between Fourteenth Street and Grace Church? A. No, sir; nothing substantial.

Q. The average width is 42 feet that entire distance, is it not? A. 42, 42, 42, 42, 44—that is Stewart's building next block below.

Q. Now, wait a moment; what is the entire width of Broadway, between Fourteenth Street and  
707 Eleventh Street—that is, from house-line to house-line? A. The width of Broadway, by law, is 80 feet.

Q. 80 feet at Fourteenth Street? A. Yes, sir.

Q. And between Fourteenth Street and Eleventh Street? A. The same width.

Q. Did I ask you what was the width of Broadway proper above Fourteenth Street, or above Seventeenth Street? A. No, sir.

Q. What is the width of Broadway above Seventeenth Street? A. 75 feet.

Q. Then it is 5 feet wider south of Fourteenth Street than it is north of Seventeenth Street? A. Yes, sir.

Q. What is the width of the carriageway opposite Stewart's building? A. Between Ninth and Tenth  
708 Streets it is 44 feet.

Q. Is there any substantial variance in width between Tenth Street and Astor Place? A. No, sir; Astor Place is 43 feet and 3 inches—nine inches less.

Q. What is the width of the carriage-way of Broadway at Bleecker Street, or between Bleecker and Houston? A. Between Bleecker and Houston it is 44 feet and 10 inches.

Q. What is the width of Broadway at Houston Street? A. It is 45 feet 2 inches.

Q. What is the width of Broadway at Howard Street—what is the width of the carriage-way? A. 45 feet and 4 inches.

Q. What is the width at Canal Street? A. 45 feet.

Q. What is the width at Broadway at Chambers Street—at the north side of Chambers Street; the

width of the carriage-way I speak of always? A. 41 feet and 8 inches. 709

Q. On the south side of Chambers Street what is the width of Broadway? A. That goes over to the Park—55 feet and 6 inches.

Q. On the south side of Chambers Street? A. 56 feet and 6 inches.

Q. What is the width of the carriage-way of Broadway at Murray Street? A. 55 feet 6 inches.

Q. What is the width of the carriage-way of Broadway opposite St. Paul's Church? A. 46 feet 3 inches.

Q. What is the width of the carriage-way of Broadway at Cedar Street? A. South side of Cedar Street it is 40 feet.

Q. What is the width of Broadway—the carriage-way of Broadway—at Rector Street? A. 34 feet and 3 inches. 710

Q. What is it opposite No. 45 Broadway? A. 39 feet and 6 inches.

Q. What is it opposite No. 29 Broadway? A. 42 feet and 10 inches.

Q. Can you tell about what is the average width of the carriage-way of Broadway between the last point that I have mentioned and Fourteenth Street? A. The average width would be about 42 feet.

Q. That is from curb to curb? A. From curb to curb.

Q. Tell me about what is the average width of the carriage-way of Broadway between Seventeenth Street and Thirty-second Street, where the double track rails of the Broadway and Seventh Avenue Railroad Company have been in use and operation during the last twenty years? A. It varies from 39 feet and 4 inches to 34 feet and 4 inches; the average width would be about 38 feet. 711

Q. At least, then, about 5 feet less than the width of the carriage-way between Fourteenth Street and the Battery? A. 4 or 5 feet.

*By Mr. Beaman:*

Q. What is this paper that you have now handed me? A. It is the width of the carriage-way of Broadway between Thirty-second Street and the Battery.

Q. In the various places that you have measured it? A. Yes, sir; about 75 places, I think.

Q. And these measurements you have made are

712 actual measurements, made since the last examination? A. Yes, sir.

Q. And you made them yourself? A. I did, sir.

Q. This if certified by, "James E. Serrell, City Surveyor?" A. Yes, sir; that is my office copy.

Q. Were these measurements made at night or in the daytime? A. Made in the daytime, sir; I had to measure them on Sunday, because I couldn't do it any other day; I began at Thirty-second Street Sunday morning and went all the way down—myself, my son and my assistant.

Q. Why couldn't you do it any other day? A. Too many carriages in the way.

713 Q. Now, where is the widest part of Broadway below Thirty-third Street? A. You have it on the paper; I can't recollect.

Q. Well, look (hands witness paper)? A. The widest part below Thirty-second Street—from what point.

R. Well, any part of Broadway? A. The widest part of Broadway is, I believe, 46 feet and 3 inches at St. Paul's Church.

Q. Where is the narrowest part? A. The narrowest part of Broadway is opposite Exchange Place, which is 36 feet wide; that I believe is the narrowest.

Q. You read one 34 feet, I believe? A. No, sir.

714 *Commissioner Harris:* Rector Street, I think you gave as being narrower? A. 34 feet and 3 inches wide at Rector Street; I beg your pardon, sir.

Q. The narrowest part of Broadway, then, is right at Rector Street; is it not? A. Yes, sir; it is.

Q. And how wide is it there? A. 34 feet and 3 inches.

Q. Narrower than any part of Broadway between Seventh Street and Thirty-fourth Street? A. One inch narrower than it is at Seventeenth Street.

Q. Are these measurements given here in the actual order in which you took them? A. They are opposite each street, and marked so upon the paper.

Q. Broadway begins to narrow between Canal Street and Chambers Street; does it not, substantially? A. There are the figures.

Q. Isn't Broadway narrower between Dey Street

and Exchange Place than it is in any other part of the city? A. I don't know; there are the figures. 715

Q. Is there more than one measurement here to a block? A. In some instances there is, where the curbstones were not regular.

Q. Where I find here, for instance, "Fulton Street, 42 8; Dey Street, 39 8; John Street, 39 3," &c.; how is the width of the street between the intervening places; is it like the succeeding number, or is it like the preceding number? A. Proportionate.

Q. That is half way between? A. Yes, sir.

Q. That is, you did not, for instance, go along and find that the street continued at one width to a certain place, and then measured it at that place —? A. I measured it wherever there was any particular line that I could see was out of the ordinary line by my eye; then I would measure it at the different places. 716

Q. That is, practically wherever you saw there was a change you noted it? A. Yes, sir.

Q. So that if, for instance, I find here Chambers Street, north side, 41 feet 8 inches, and south side, 56 feet and 6 inches——? A. That goes by the Park.

Q. But that means practically that Broadway continues 41 feet 8 inches till it gets to the south side of Chambers Street? A. Yes, sir.

Q. And, for instance, when I find here, "Fulton Street, south side, 42, 8," and Dey Street, north side, 39, 8"—— A. It does not cross. 717

Q. But does that mean that Broadway between Fulton Street and the north side of Dey Street is 42 feet wide or 39 feet wide? A. 39 at one place and 42 at another.

Q. And the change that takes place is gradual? A. Yes, sir; substantially.

Q. The changes are not by immediate turns? A. No, sir.

Q. That is, the curb goes along in and out? A. Yes, sir; not parallel.

Q. So that these measurements do not indicate the exact point at which any change takes place, but a point at which it was more apparent? A. That is all; I have a map of the whole of it, if the Commissioners want it—if the Commissioners would like to see it—with all those places on it.

718 *Commissioner Harris*: It would be very convenient to have that map.

*The Witness*: You will find it in sections there; you will find it numbered from 1 to 7.

Q. And the measurements are put down in the exact places you measured, are they? A. Yes, sir, according to that table; there are certain points of Broadway which are wide, where it intersects with other places.

Q. You mean to say, Mr. Serrell, that the narrowest part of Broadway is 34 feet and 4 inches? A. I say that is the narrowest part of Broadway between the curbstones and the tracks.

Q. A portion of the track between Seventeenth and Eighteenth Streets is only 8 feet and 8 inches from the curb? A. Yes, sir.

719 Q. How wide is Broadway at that place? A. 34 feet and 4 inches.

Q. Between Seventeenth and Eighteenth Streets? A. Yes, sir.

Q. How wide are the two tracks there? A. 15 feet and 1 inch.

Q. How wide are the tracks of the present railroad in Broadway all the way from Twenty-third Street to Fourteenth Street? A. The average is 15 feet wide; it is an inch of 15 feet wide all the time.

Q. The width? A. Yes, sir.

Q. And that is the regular width? A. Yes, sir.

720 Q. And that is the width that you would propose to put the road, as I understand it, below Fourteenth Street? A. We might put it a foot narrower.

Q. But if you would put it the same width, it would be within an inch of 15 feet wide? A. Yes, sir.

Q. And that is the general run of the width of the track? A. No, sir; in some of the streets they are a little narrower—between tracks.

Q. And in some they are wider, are they not? A. No, sir, unless it be they have room; in Second Avenue there are some of the tracks laid there wider between the track than the space generally between other tracks.

Q. Now, is the track on Broadway between Thirty-third Street and Seventeenth Street nearer the east side of Broadway than it is the west?

A. Well, the general average is about the same; in

some places it is more on one side than on the other, 721 because Broadway is not exactly straight, and they make the curves of the railroad tracks as easy as they can, and they sometimes get them a little nearer one side than the other.

Q. Why was it nearer one side at this place at Seventeenth Street? A. I don't know; I only found the fact.

Q. How far is it from the curb on the other side? A. 10 feet, I think, and 7 inches.

Q. 10 feet on one side—on the west side? A. No, on the east side; the west side is the narrowest.

Q. Is the narrowest? A. Yes, sir.

Q. It is narrowest on the west side and broadest on the east side? A. Yes, sir.

Q. And so far as you know that was placed with reference to the convenience of the railroad and not with reference to anybody else's convenience? A. Well, it was run in on account of Broadway not being exactly straight there; it comes around there. 722

Q. Broadway, Mr. Serrell, from Fulton Street down is about the same width on an average, is it not, as Broadway between Seventeenth Street and Twenty-first Street? A. No, sir; it is wider.

Q. Wider on an average? A. Yes, sir; wider on an average; you have the figures there, all of them.

Q. But it is the narrowest place? A. No, sir; the narrowest place, as I have stated before, was at such and such a place, which I stated in answer to one of Mr. Scribner's questions.

Q. Well, that is below Fulton Street? A. Yes, 723 sir; between Fulton Street and the Battery.

*Mr. Scribner*: Yes, sir, within 1 inch.

*The Witness*: Yes, sir.

Q. What is this map that you have produced? A. It is a map as I stated before—in that table I furnished the width of the carriageway between Thirty-second Street and the Bowling Green.

Q. Has this map been prepared in your office from the measurements that you have made? A. Yes, sir; under my directions.

(Memorandum above referred to is marked Exhibit A of this date, and the series of maps are marked Exhibit B 1 to Exhibit B 7 inclusive, this date.)

Q. Mr. Serrell, in the map that you have produced I notice two red lines running up and down the centre of Broadway; what do they indicate? A. They represent the present tracks.

724 Q. What do you mean by present tracks? A. Those that are there.

Q. They only run from— A. From Thirty-second Street to Seventeenth Street.

Q. They only show the present tracks as they now exist on Broadway? A. That is all.

Q. And there are no lines showing the proposed roads or any proposed track below Fourteenth Street? A. They only represent what is there.

Q. Mr. Serrell, what lines of communication are there in the City of New York, going north and south, below Twenty-third Street? A. There is the Belt Road.

Q. Well, just define it, Mr. Serrell. A. The Belt road on the west—

725 Q. You were just mentioning one road that ran south; will you please name that road again, and give its course. A. Tenth Avenue or Belt line; then there is the Ninth Avenue road.

Q. Just describe the Tenth Avenue road. A. The Tenth Avenue road has a track in Tenth Avenue, and they go around up Tenth Avenue and cross Fifty-ninth Street, and down the First Avenue, and travel around on the east side, and get down to Whitehall Street; they travel down the west side from the depot in Tenth Avenue, down Tenth Avenue to West Street, until they get down to Whitehall Street; the Ninth Avenue road—

Q. How do they go back; is it a double track road? A. Yes, sir; a double track road.

726 Q. Through the same streets back? A. Through the same streets back.

Q. The next road that comes is what? A. The next one is the Ninth Avenue; that comes down to Fulton Street, and runs up to One Hundred and Tenth Street.

Q. How does it come down? A. It comes down Washington Street and goes up Greenwich, joins on Ninth Avenue, then extends up Ninth Avenue to Sixty-fifth Street, to Seventy-first Street; you don't want it higher than that though.

Q. The next road? A. The next road is the Sixth and Seventh Avenue.

Q. The next road; and in answering the question you may give the full extent of the road, because it may be of some importance to know where those roads finally land passengers. A. The next



one is the Eighth Avenue, which comes down Hudson Street. 727

Q. Well, the Eighth Avenue begins where ; where does it take passengers from ? A. It has a depot between Forty-ninth and Fiftieth Streets, goes up to McComb's Dam Bridge, and goes down to Barclay Street.

Q. Double track ? A. Double track ; part of it is double track, and part of it is single track.

Q. Where does it leave Eighth Avenue, and how does it get from Eighth Avenue to here near the City Hall ? A. It goes down Barclay Street and Church Street ; that is, goes down Barclay and through Church, and down through Chambers Street, and then Chambers Street to West Broadway, West Broadway to Canal Street, Canal to Hudson, and Hudson to Eighth Avenue, and up Eighth Avenue to its depot ; it comes down the same way until it gets to West Broadway, and then it comes down West Broadway, and through Church Street, and through the tunnel under the houses, and gets to the depot down at Broadway and Vesey Street ; then the Sixth Avenue comes down Sixth Avenue from its depot— 728

Q. Did you speak of the Seventh Avenue road ? A. The Seventh Avenue road ; well, the Seventh Avenue road comes down Seventh Avenue and Greenwich Avenue to Eighth Street, and then goes to Fourth Street, and then goes down Thompson Street to Canal Street, and then Canal Street down and follows the same track as the other roads to Park Place ; and then comes back substantially the same route as the Eighth Avenue, comes back through Canal Street and Sullivan Street, I think it is, until it strikes Eighth Street again, and comes back to Greenwich Avenue and Seventh Avenue up to the depot ; the Sixth Avenue road goes down Sixth Avenue to Carmine Street to Varick Street, to Canal Street, and from Canal Street to West Broadway, down West Broadway to Barclay Street, or Vesey Street, or some other, I don't recollect. 729

Q. To Broadway and Vesey Street ? A. Yes, sir ; and come back on the same line, with double tracks ; then on the east side—

Q. Well, did you take the Broadway road ? A. Oh, the Broadway road ? no, sir ; the Broadway road starts at the depot at Fifty-first Street and comes down Seventh Avenue to Forty-fifth Street, and

730 then branches off into Broadway, and comes down Broadway to Seventeenth Street, and then down from Seventeenth Street through University Place to Wooster Street, down through Wooster Street to Canal Street, and then it goes through Canal Street to West Broadway, and down West Broadway to its terminus, coming through Church Street down here at the Astor House, and goes back the same way, excepting that it goes back through Greene Street instead of Wooster, goes north through Greene instead of coming south through Wooster, and they join again at Eighth Street, go up Greene to Eighth Street to University Place, and then they go on a double track.

731 Q. Now, Mr. Serrell, how many north and south lines are there, then, in the City of New York, both up and down west of Broadway—horse-car lines? A. Well, west of Broadway—there is the Seventh Avenue road, the Sixth Avenue road, the Eighth Avenue road, the Ninth Avenue road, and the Belt road.

Q. How many? A. The Broadway one, the Seventh Avenue two —

*Mr. Scribner:* The Broadway and Seventh Avenue is one; you count them as two.

*The Witness:* Well, we will say Broadway, and Sixth Avenue, and Eighth Avenue—

Q. Isn't there a Seventh Avenue? A. Yes, there is a Seventh Avenue road; that is independent of the other.

732 Q. Well, then, begin again. A. There is the Broadway road, is one; the Seventh Avenue is two—

Q. The Sixth Avenue you leave out? A. No, sir.

Q. Why not? A. Well, it counts better the other way; they cross each other; well, we will call it the Broadway road, the Sixth Avenue road, the Seventh Avenue, Eighth Avenue, Ninth Avenue and Tenth Avenue, which is six.

Q. Six? A. Yes, sir.

Q. Therefore, on the west side of Broadway there are six through lines up and down? A. Yes, sir; only down to St. Paul's Church.

Q. Only down to St. Paul's Church? A. Yes, sir.

Q. But as far as St. Paul's Church there are six? A. Yes, sir.

Q. Now, does not the Broadway line run a line of

cars to Broome Street, touching Broadway? A. It does, sir; but it is on the same track as the other one, excepting the branch. 733

Q. Excepting the branch off? A. Yes, sir.

Q. Is there any other of these roads that make more than one connection directly with Broadway?

A. The Broadway does at Broome Street.

Q. What street? A. The Broadway does at Broome Street, the Eighth Avenue at Canal Street, the Ninth Avenue at Fulton Street, the Seventh Avenue at Park Place, and the other two roads at Vesey and Barclay Streets.

Q. Then all these roads connect directly with Broadway, do they not, and touch it at one or two points? A. Yes, sir.

Q. And are ready to take passengers there or to deliver them there? A. Yes, sir; but it is a round-about way. 734

Q. But they do it? A. Yes, sir.

Q. Don't all these roads deliver passengers on continuous tracks north of Forty-second Street? A. Yes, sir; all north of Forty-second Street.

Q. Don't all of them deliver passengers north of Fifty-seventh Street? A. Yes, sir; all south of Fifty-ninth Street.

Q. All of them deliver south of Fifty-ninth Street? A. Yes, sir.

Q. How many of them deliver passengers north of Eightieth Street? A. Well, there are three lines; there is only the Eighth and Ninth; they only go up as far as that. 735

Q. Only the Eighth and Ninth Avenue lines substantially run much above the Park? A. They run above the Park on the west side, excepting a road which is just being started now, a road called the —some new road which has got tracks laid up Broadway.

Q. Where does the Broadway and Seventh Avenue line stop? A. The Broadway and Seventh Avenue road stops at Fifty-ninth Street.

Q. That is the end of its tracks? A. Yes, sir; it is.

Q. And that is the end of its right, so far as you know, in that direction? A. I don't know about its going any further.

Q. What roads are running north and south, east of Broadway, beginning with the one which is furthest east? A. That is a continuation of the Belt

736 road that runs around through Fifty-ninth Street and down First Avenue.

Q. Then the next one is the Second Avenue? A. Yes, sir.

Q. Is that first a double track? A. Yes, sir.

Q. All around? A. Yes, sir.

Q. And the next one is what? A. It is a double track, excepting that over here on the east side in some places they run a single track—in some places below Houston Street; then there is the Second Avenue and Third Avenue, and then there is the Fourth Avenue, and that is all.

Q. Well, now, just give the routes of them, starting with the First Avenue? A. The First Avenue is the Belt road that I before described; it goes  
737 down in a circuitous and winding way and gets down to Whitehall Street, through different streets on the east side.

Q. How far does it go up? A. To Fifty-ninth Street; the Second Avenue road comes down, some of the cars on First Avenue, and some of them on Second Avenue, and some of them cross over to Broadway at Astor Place.

Q. The Second Avenue? A. Yes, sir; the Third Avenue is a straight up and down road.

Q. The Third Avenue runs how far up? A. Up to the bridge.

Q. And the Second Avenue runs how far up? A. Runs up the same distance, up to One Hundred and Twenty-ninth Street; then there is the Madison Avenue road which runs up to Eighty-sixth Street,  
738 which is the Fourth Avenue road, a portion of it, and they run on the Fourth Avenue tracks down after they leave Madison Avenue at Forty-second Street, and come down through the tunnel below Forty-second Street, and they have a branch that goes from Thirty-second Street over to the East River ferry.

Q. And a branch from Forty-second Street also? A. No, sir; not from the Fourth Avenue; there is a new road in Forty-second Street.

Q. Then there are three through horse-car lines above Eightieth Street on the east side? A. Yes, sir.

Q. And all delivering passengers at City Hall? A. The Belt road does not; and then there is the East Broadway road that does not go up as far as that.

Q. I know; but there is the Fourth Avenue and 739  
Third Avenue and the Second? A. Yes, sir.

Q. They all go above Eightieth Street? A. Yes,  
sir.

Q. And those three deliver passengers at City  
Hall, substantially? A. Yes, sir.

Q. Therefore there are three lines from the City  
Hall that go up above Eightieth Street? A. Yes,  
sir.

Q. Then there is the Belt line? A. Yes, sir.

Q. And the East Broadway line which you speak  
of? A. Yes, sir; none of them deliver below Astor  
House or St. Paul's Church.

Q. Now, at what other places on Broadway be-  
sides the City Hall do these lines deliver passengers?  
A. The Belt road has no delivery except down at 740  
Whitehall Street; they run way over on the east  
side; then there is a cross-town road in Beekman  
Street, which connects with the East Broadway  
line, which delivers passengers at Beekman Street  
near the City Hall.

Q. Do either of the other lines have connections  
at Broadway—any of them around Astor Place?  
A. No.

Q. There is none of the roads, then, on the east  
side, that strike Broadway above the City Hall, is  
there? A. I don't understand your question, sir.

Q. Are there any of the horse railroads on the  
east side that deliver their passengers on Broadway  
directly, above the City Hall? A. They do not de-  
liver on Broadway at all; they deliver on Chatham 741  
Street and on Park Row.

Q. Well, is there any of them that delivers at or  
near Broadway above the City Hall? A. Well,  
certain ones deliver there at the Post Office, right  
down there by Ann Street, where the Third Avenue  
cars stop; then there is another portion of the  
Third Avenue cars that don't stop, that go around  
the statue of Franklin, there opposite the Times  
Building.

Q. I am talking about above City Hall, Mr.  
Serrell? A. Yes, sir; I have said that there was  
one that delivered passengers—the Second Avenue  
—delivered passengers at Broadway and Astor  
Place; the Second Avenue has a branch there.

Q. Is there any other? A. I don't recollect any  
other.

Q. Except so far as you——? A. There is, I

742 believe, a branch that comes through Worth Street.

Q. A branch of what road? A. I don't recollect what road it is connected with now; the Second Avenue road, I think.

Q. And the Fourth Avenue road comes very near to Broadway at Union Square, doesn't it? A. It does.

*Commissioner Harris:* There is a Chambers Street road—I don't know as you call it Chambers Street road—but it runs up to Forty-second Street, way along the east side, comes up Thirty-fifth Street and then runs up Lexington Avenue.

*The Witness:* That runs in connection with the Fourth Avenue road, I think.

743 *Commissioner Harris:* It hasn't anything to do with the Fourth Avenue road.

*The Witness:* Maybe it is a branch of the Third Avenue; I cannot keep in my mind all these roads.

*Commissioner Harris:* This is a line that runs way over near Avenue A, and takes a circuit round about Chambers Street.

*The Witness:* I think that is the East Broadway.

*Commissioner Harris:* No; it is not the East Broadway road; it is another road; I don't know what they call it.

*The Witness:* Well, there are different lines; I don't know; the Green line crosses over too.

744 *Mr. Beaman:* Mr. Serrell, will you buy, at my expense, by to-morrow's examination, the best map of the city which shows in convenient form these railroads?

*The Witness:* Do you ask me to buy one?

*Mr. Beaman:* Yes; for me.

*The Witness:* Well, I will.

*Mr. Beaman:* What you consider the best one; I don't mean a big bound map.

*The Witness:* I have a general map in my office, and if you like, I will trace off the lines, and I think that would be the best; then you would have nothing but the tracks.

*Mr. Beaman:* That would suit me; how much would it cost to make me such a tracing?

*The Witness:* Ten or fifteen dollars.

*Mr. Beaman:* Well, you may do it for Mr. Scribner; I don't want it at that.

*Mr. Scribner:* We shall not pay for it.

NEW YORK, January 14th, 1885. 745

*Mr. Scribner* : If the Commissioners please, the obligation of acceptance, and the bond which I put in yesterday, were not marked. Mr. Beaman had them. I desire to have them marked to-day, subject to having a certificate put upon them by the Comptroller to show that they are copies of the instruments in his hands.

(Marked A and B of this date.)

JAMES E. SERRELL, recalled for further cross-examination, and examined by Mr. Beaman :

Q. Mr. Serrell, what horse railroads cross Broadway, or connect with it, besides those you have already mentioned, between Fifty-ninth Street and the Battery ? 746

Q. Now, Mr. Serrell, will you answer the question ? A. What is the question ?

Question repeated.

Q. And in that answer please begin with the railroads that cross at Fifty-ninth Street ? A. I don't recollect what I have mentioned, but I have brought here a map, which Mr. Beaman has, which I believe shows all the railroads in the city, and it represents where they cross other roads ; and I couldn't state positively without that, without taking some time to reflect, but could do it sooner by the map, which map can be produced, which is a public document, and shows it all.

Q. Please look at the map which you have produced, and name the roads, and state at what part they cross Broadway ; I don't want the general course of the roads, but I want to know where they cross Broadway ? 747

*The Witness* : There is Fifty-ninth Street, Forty-second Street, Thirty-fourth Street, Twenty-third Street, Bleecker Street, and at Canal Street ; those, I believe, are all the roads that cross Broadway.

Q. Then there is no road crossing Broadway south of Canal Street ? A. There is one passes through Lispenard Street, I think, there by Canal Street.

Q. I was under the impression there was another road south of Canal Street, two or three blocks this side of Canal Street ?

*Mr. Scribner* : That is the one.

*The Witness* : It comes through Walker Street,

748 formerly Walker Street, and goes through Canal Street, and branches off there at Canal Street.

Q. Does it cross Broadway at right angles? A. No, I think not, but nearly at right angles; it has some turns on it; I don't recollect exactly the line.

Q. Is it a single track or a double track? A. It is a single track, I think, in Canal Street, and a single track in Walker Street; that is my impression.

Q. You have, since you were here yesterday, produced a map, which has now been shown you? A. I have.

Q. That map contains upon it some red lines, running through various parts of the map on various streets; what do those lines indicate? A. They indicate—the map will explain for itself.

749 Q. Do those lines indicate the routes of certain railroads? A. The explanatory description is at the edge.

Q. Have you read that explanatory description at the edge of the map? A. I have read some of it, not all.

Q. Will you please, after the examination to-day, examine that map and read the explanatory statement of the routes, and report to us if you find any errors in it? A. I need not this map, sir: I have a copy of it in my pocket.

*Mr. Scribner*: There is no necessity of making Mr. Serrell come here again on that subject; I have agreed to consent that you put that in subject to any sort of correction that you, after your own examination, may see fit to make in respect to it.

750

*Mr. Beaman*: As to the routes?

*Mr. Scribner*: As to routes indicated by the red lines, or as to the routes indicated by the printed words on the margin.

*Mr. Beaman*: With that consent the map is offered in evidence, and marked Ex. C of this date.

Q. Does that map also show the routes of the Elevated Railroad? A. I believe it does; I didn't examine it with regard to the Elevated Roads; I presume it does.

*Mr. Beaman*: Does it, Mr. Scribner?

*Mr. Scribner*: I presume it does; I have one here—an older one, perhaps; yes, it does.

Q. Mr. Serrell, what is the general route of the Elevated Railroads most westerly? A. The Elevated Road begins at One Hundred and Fifty-fifth Street, and comes down Eighth Avenue to One Hundred



and Tenth Street, and then crosses westerly through One Hundred and Tenth Street to Ninth Avenue, and down the Ninth Avenue to Fifty-third Street, and down Fifty-third Street— 751

*Mr. Scribner* : No, no ; the most westerly will be the Ninth Avenue Road ; that is what he is inquiring about.

*The Witness* : It goes down Ninth Avenue, then crosses through Fifty-third Street to Sixth Avenue.

*Mr. Scribner* : No, the Ninth Avenue, the most westerly ; that is what he is speaking of.

*The Witness* : Well, then, it continues right down Ninth Avenue to Greenwich Street, and down Greenwich Street to the Battery ; and then a branch comes through Fifty-third Street and crosses over to Sixth Avenue, and then goes down the Sixth Avenue to Amity Street, and then goes through South Fifth Avenue, and then down to Chambers Street, and then—no, Murray Street—and then crosses through to Church Street, and then down through Church Street. 752

*Commissioner Harris* : Down South Fifth Avenue to Canal, and then down West Broadway ?

*The Witness* : Yes, sir ; through South Fifth Avenue, West Broadway ; down to Murray Street, and then through Murray Street to Church Street, and then through Church Street all the way down to the Battery.

Q. Now, on the east side ? A. On the east side, the Second Avenue Road begins at the Harlem River, and runs down ; I don't exactly recollect what street it runs down after it gets to Houston Street. 753

Q. Well, there is one substantially running down Third Avenue to the City Hall ? A. Yes, sir.

Q. And another running down Second Avenue, or First Avenue ? A. Yes, sir ; runs down Second Avenue and then branches off.

Q. And comes down— ? A. Comes down through certain other streets ; single tracks in some streets—

Q. And comes down to Chatham Square ? A. Yes, sir ; and then down Pearl Street.

Q. And then down to the Battery, in one direction, or to the City Hall in another ? A. Well, down through Pearl Street, down to the Battery, and the other branch only goes as far as the City Hall.

754 Q. Then there is a branch of this east side road, is there not, to the Forty-second Street Depot? A. Yes, sir; there is a little spur there at Forty-second Street.

Q. And there is another spur at Thirty-fourth Street, by which you reach a connecting road, or reach the Thirty-fourth Street Ferry; isn't that so? A. Yes, sir.

Q. Are not these systems of roads all run now under one management, so that you can get from one to the other? A. I don't know; I have understood that there is a consolidated road.

*Mr. Scribner*: Well, never mind what you understood.

*Mr. Serrell*: That you need not state.

755 Q. Now, Mr. Serrell, is there any place on Broadway, below Chambers Street, where, in your judgment, a horse railroad could be practically run on a double track from either river to Broadway, or across Broadway? A. I am not prepared to answer that question now.

Q. You prefer not to? A. Yes, sir.

Q. Why not? A. Because I have not had a chance to consider any particular line that would be suitable for that.

Q. Well, do you think a double track could be run from Fulton Ferry to Broadway, through Fulton Street?

756 *The Witness*: Well, they could be put in any of the streets that are desirable for travel; they are now proposing to connect the Manhattan Railroad with the Ninth Avenue Railroad, running to the river; and those branches, the same as Broome Street, the same as Canal Street, are auxiliaries to a number of these roads; the Eighth Avenue Road proposes to construct a branch through One Hundred and Fifty-fifth Street to Madison Avenue, over the Madison Avenue Bridge; all those things would come in as a matter of necessity; I presume that is what is the general course of public travel, where they find it will pay and there is the necessity for it, it is put there; they supposed that no road could be put through Beekman Street, or Ann Street; well, they are through, and those are very narrow streets indeed - narrower than many others.

Q. You don't seem to understand my question; my question is, whether it is practicable to put a double track railroad up and down Fulton Street?

A. Well, I think they would manage it, not with a double track, but make a single track go down one street and a single track up another; Maiden Lane, for instance. 757

Q. Then you do not think it practicable for a double track to be put down in Fulton Street? A. I won't give an opinion upon the subject now; I wouldn't do it without taking into consideration the width of the street.

Q. How wide is the street? A. I don't recollect exactly; but I think it could be arranged in some near street; Beekman Street has a single track.

Q. Well, how wide is the street? A. I don't recollect.

Q. Is it over 25 feet wide between Broadway and Nassau Street? A. I don't recollect, sir; I think it is about the same width as Crosby Street, and that has a double track in it. 758

Q. I didn't understand the street? A. Crosby Street has a double track in it.

Q. Do you think it is possible to put a double track, or practicable to put a double track up and down Maiden Lane? A. Well, I say I am not prepared to say, on account of the variable widths of Fulton Street and Maiden Lane.

Q. How wide a street do you think it would be necessary in order to have a double track practically working in such a street, assuming that the amount of the business on the street was as great as it is on Fulton Street? A. I am not prepared to say that.

Q. In your opinion, would it be practical, in view of the amount of business on Wall Street, to put a double track up and down that street? A. Well, I think that on Wall Street there could be put a double track better than on Maiden Lane or Fulton Street, because there is less surface travel there. 759

Q. How wide is Wall Street between Broadway and Nassau Street? A. I don't recollect, sir; I don't know.

Q. Is it over 20 feet wide? A. I don't recollect.

Q. Is there any street on the west side of Broadway, below the Astor House, where, in your judgment, it would be practicable to put a double track railroad running to the ferries? A. Well, I don't know; I have not taken that matter into consideration at all, in regard to that, not knowing the exact widths of the streets; but Fulton Street has a double track in it west of Broadway, and Fulton Street is a very crowded street.

760 Q. Both east and west of Broadway? A. I think so; yes, sir; more east of Broadway than west.

Q. Where is the travel going that is on Fulton Street mostly? A. Well, I don't know; just where it wants to go, I suppose.

Q. Well, what part of the city; up or down—that is, above or below Fulton Street? A. People generally cross lots where the fence is down; they always go the shortest way; and so it is with men driving teams; if a man comes from uptown he comes down Broadway, because it is a shorter route than any other road; the roads running on the west side of Broadway are—the four or five roads—probably from a quarter to a third of a mile longer, because they have got to go around instead of going straight.

761 Q. You are speaking now of what roads? A. I am speaking now of the general accommodation of the public.

Q. Then Broadway is not only the best road, but it is the shortest down town? A. It is the natural road; you will find all the natural roads on the island are in the best location for travel, and for two reasons: the first reason is, that they are generally shorter and a better grade; the old road then ran along in the neighborhood of the Ninth Avenue, under the hills, where that park has been made recently; the hills were so steep they had to change the map of the City of New York or else they could not have convenient travel; and so it has been with the Bloomingdale Road, and up town, above One Hundred and Fifty-fifth Street; they have had to change the map of the city, because the surface was so uneven that they couldn't travel; the longest way around and the shortest way home, if you have to go over a high hill or down to a low place, that is a matter of convenience.

762 Q. Then Broadway, if I understand this answer of yours, in your opinion, below Fourteenth Street, is better graded for travel, and a better general grade, than any of the other means of getting down town?

A. No, sir; not exactly that; but it is a shorter road, and the lower portion of the City of New York, below Fourteenth Street, or below Thirty-fourth Street, is generally flat, and it doesn't make but a little difference where the streets run; we have no steep grades below Thirty-fourth Street on the island substantially no steep grades; that portion of the island is flat.

Q. Then its advantage is not in its grade, but in its being shorter, as I understand? A. Shorter and wider. 763

Q. Now, I will ask again, in what direction, in your opinion, the most of the travel that is passing up and down Fulton Street is going; is it going further up town, or is it going down town, or is it going across to the North River? A. Well, the ferries have an influence upon the travel, and there is more travel going east than there is west; the shape of the island is of that particular form that people when they start to come up town—if they are down by the Battery, for instance—they get to Broadway as soon as they can, because it is the shortest distance; so it is on the east and west side; so it is with every road; a person who has any prudence or judgment, or that thinks enough, why he goes the shortest way and easiest grade. 764

Q. What is the effect of that upon the travel upon Broadway? A. Well, of course, it is concentrated in the place where it is the natural centre and the widest of all of the streets in the lower part of the city.

Q. In what part of Broadway, below Fourteenth Street, is the travel, in your judgment, most concentrated? A. From about Duane Street down to Cortlandt Street.

Q. In what particular part of that portion that you have just mentioned is it, in your judgment, most concentrated? A. Well, that depends a great deal upon certain businesses; if there is a steamship going to be loaded, or is discharging, the trucks go more in one direction than another; sometimes, in portions of the day there is a great crowd there, and at other times of the day it is not crowded; it is all according to things surrounding it. 765

Q. Then, it is not true, in your opinion, that the travel of Broadway is more crowded between the Astor House and Cortlandt Street than on any other part of Broadway. A. Well, I suppose it is on certain times of the day.

Q. You remember some years ago, Mr. Serrell, when there was a bridge across Broadway, right near Fulton Street—this side of Fulton Street—don't you? A. Yes, sir; I do.

Q. What was the effect of the placing of that bridge upon the travel there, both on Broadway and on the passenger travel? A. Well, I don't recollect

766 exactly about it, but it was more ornamental than practical; people didn't like to go up and down stairs to get across the street, and would sooner wait a minute or two to cross it.

Q. Wasn't that bridge built for the purpose of enabling people to go safely or conveniently across the street? A. I believe that was the ostensible object.

Q. Didn't it turn out that it increased the obstruction more than it helped it? A. I don't know that.

Q. By means of narrowing Broadway to a small extent there? A. It didn't interfere with the travel of Broadway in the least; it was only on the sidewalks where the place started on each side and went up; the carriageway of Broadway and Fulton Street was uninterrupted by the Bridge.

767 *Mr. Scribner*: It was taken down because it blocked Knox's windows; that is all that was the matter with that.

Q. Mr. Serrell, is it not true that the general character of the business below Rector Street, that is, from Rector Street down eight or nine hundred feet, on the right hand side of Broadway going down, that is, on the west side of Broadway, is, to a very large extent, the business of express companies in the receiving and delivering of goods? A. I think there are two or three express companies there, or more; I don't recollect.

768 Q. Receiving and loading their goods on that side of Broadway, are they not? A. Well, the express companies take in and deliver nearly all their goods in the rear of the buildings—most of them.

*Mr. Scribner*: On Church Street, isn't it?

*The Witness*: Yes, sir; drive right into the building on Church Street.

Q. Don't they deliver and receive a large lot of freight and packages from the Broadway side? A. Well, they do receive a great deal, no doubt, but I think they receive more on the other side.

Q. Isn't it true that on the other side, in the same section of Broadway, there are other express companies receiving large amounts of goods at their fronts? A. I don't recollect of any; there may be.

Q. Isn't it true that the Rector Street station receives and delivers more passengers than any other station of the Elevated Railroad? A. Yes, but the

passengers travel only on the sidewalk, except to cross. 769

Q. Isn't it true that a large proportion of those passengers, either going to or coming from that station, cross Broadway in the immediate vicinity of Wall Street. A. They do.

Q. And that is the narrowest part of Broadway, right there, is it? A. Well, not far from there.

Q. Then is it not true that as far as foot passengers are concerned that part of Broadway, south of Trinity Church, and in the neighborhood of Rector Street, is most crowded? A. Well, the narrower it is between the curbstones the better for a man to cross over.

Mr. Scribner: What is a foot passenger, Mr. Beaman?

Mr. Beaman: A foot passenger? Well, I am a foot passenger; a man is a foot passenger who walks on his own railroad, and needs no Broadway, pays his own expenses, has no conductor, and goes it alone. 770

Q. Do you in any way misunderstand my question, Mr. Serrell, by the fact that I made use of the word "foot passenger"? You understood what I meant by that? A. Yes, sir; a man that walks on his own locomotion.

Q. Now, Mr. Serrell, is it not true that another large station of the Elevated Railroad is at Cortlandt Street, a station which receives and delivers a great many passengers? A. Yes, sir; at Cortlandt and Church Street. 771

Q. And also at Park Place and Church Street? A. Yes, sir.

Q. Now, isn't it true that most of those passengers, both in going to and coming from the Elevated Railroad stations, cross Broadway? A. Well, I suppose they do, if they are on the opposite side; but the generality of people get on the other side; that is the fashionable side.

Q. What do you mean by the fashionable side? A. Well, they generally walk on the westerly side.

Q. Well, to go to their places of business, Mr. Serrell, is it not true that most of them cross Broadway and go down the other side of Broadway? A. Well, it happens with other people probably the same as with me; whenever I want to cross Broadway and get a chance to, I cross over from one side to the other.

772 Q. What do you mean by that? A. Well, that is to say, if the stages or vehicles are so that I can pass over, it doesn't make any difference where I cross, I cross.

Q. That is, you walk along until you find a chance to cross? A. Yes, sir.

Q. And you take the first chance that you get, rather than stop where you are? A. Get over as soon as possible; cross over as soon as I can.

Q. Why is that? A. Why, to have the chance to get over.

Q. Why, are chances rare? A. Well, sometimes a little rare; a man does not want to be running until he gets to the other side—not very fast on slippery days, but wants to take it easy.

773 Q. And it is rather difficult to find an easy chance on Broadway at these times, is it not? A. Well, at certain times, yes; those that lived in New York fifty years know about it probably just as much as I do.

Q. This habit of crossing Broadway as soon as you can, whenever you find a chance, is something that you have had for a good many years, isn't it, Mr. Serrell? A. Yes, sir; and I do not think Broadway is any more crowded now than it was thirty years ago; the police regulations are certainly better.

774 Q. What are the police regulations in reference to it? A. Why, a man gets there and wants to get across, he goes to an officer who takes him across, and makes the stages stop; that is particularly so with ladies.

Q. Are there officers for that purpose on Broadway? A. There are.

Q. Where are they stationed? A. Different corners; they are called the "Broadway Squad."

Q. Isn't that a considerable part of their duty—to help people across Broadway without getting run over? A. It is for the purpose of guiding ladies and children who feel fearful of crossing over; I don't know that I have ever had the assistance of a police officer to cross over; I always get over on my own responsibility.

Q. You say, Mr. Serrell, that these police arrangements have diminished the crowding of Broadway, or made it more passable, or words to that effect; how have they done so? A. In this way:

t people who sometimes are obstinate and won't



move out of the way will have an officer step forward and order them out of the way, and if they don't move on they are arrested; and it makes a better arrangement than it did in former years; they used to drive all over Broadway, but now they are confined as much as possible to going down the right hand side and coming up on the other side. 775

Q. Are there any policemen stationed for that particular purpose in other parts of the city, that you know of? A. Yes, up at Twenty-third Street and Fifth Avenue.

Q. Right by the Fifth Avenue Hotel there? A. Yes, sir; right along there.

Q. Anywhere else? A. I don't recollect of any other particular place.

Q. How long have there been such police arrangements that you speak of on Broadway? A. Oh, I don't know; may be eight or ten years, or more. 776

Q. Mr. Serrell, have you ever appeared and made any remarks, or testified before any of the committees of the Board of Aldermen, with reference to any of the proceedings in this Broadway Surface Railroad Company matter? A. I did, sir.

Q. When? A. I went in one day with Mr. Chittenden, and the chairman of the Railroad Committee asked me to say something, and I said, "Gentlemen, what I have to say--"

Q. Well, you talked to them, did you? A. I did, sir; and I had a written statement on that subject which they had previous to that time.

Q. You had already prepared a certain statement? A. I didn't prepare it for them; I prepared it for the Central Committee of the Taxpayers; I am one of the members of that committee. 777

Q. When was that prepared? A. That was prepared at the time those Common Council proceedings were about being started; it was in reference to giving this franchise to the Broadway Surface Road.

Q. Was it prepared before June last? A. I don't recollect, sir.

Q. At whose suggestion was it prepared? A. Well, I was chairman of the Committee on Public Works, and I made the report to the committee.

Q. The Committee of Public Works of what? A. The Central Committee of the Taxpayers.

Q. Were you one of that committee? A. Yes, sir.

Q. And are familiar with the general taxes that

778 have been levied and assessment rolls that have been made in the City of New York? A. I am quite familiar with them.

Q. Now, don't you know, as a matter of fact, Mr. Serrell, that the taxable value of the property in the first ward has been increased more than thirty per cent. within the last year? A. That is something that I don't know particularly about; but my particular duties connected with the Central Committee have been in connection with general subjects, particularly sanitary matters, expenditures of assessments, and levying taxes so much on one man's house here, and the next one so much, and it was so different; and these matters were all brought up, and the present Tax Commissioner, Mr. Feitner, 779 was our vice-president, and is our vice-president now.

Q. Now, what you did before the Board of Aldermen is simply what you have stated—you practically referred them to your previous statement? A. Yes, sir; you can have the previous statement if you want it.

Q. Mr. Serrell, that statement was a statement advocating a railroad on Broadway, wasn't it? A. No, sir, not exactly that.

Q. Was that statement filed with the Aldermen? A. There was a copy of it sent to the Chairman of the Railroad Committee of the Board of Aldermen.

Q. If it was not a report in favor of a horse railroad, what was it? A. It was a general statement 780 in reference to it.

Q. Giving your opinion about it? A. Giving the opinion of myself and my associates.

Q. Was it practically the same opinion that you have expressed here in your testimony?

*Mr. Scribner:* I object that that paper will speak for itself.

Q. Have you got that paper, or a copy of it? A. I have not here, but I have a copy of it at home.

Q. And will produce it? A. I will, if necessary.

Q. Well, I am willing to take your statement of its contents, but Mr. Scribner objects.

*Mr. Scribner:* Oh, go on; I don't want him brought here again.

*The Witness:* I couldn't give you the statement verbatim, and not as well as if the statement was produced.

Q. Well, then, if you will please bring a copy, I

won't ask anything more about it now ; Mr. Serrell, did you have anything to do with the legislation at Albany last year on the matter of street railroads ? A. No, sir ; not in the least. 781

Q. Didn't appear before any of the Committees or make any petitions to them ? A. No, sir ; I had nothing to do with it.

Q. Are you, Mr. Serrell, the owner of any real estate on Broadway ? A. No, sir.

Q. Have you ever owned any real estate in New York City below Fourteenth Street ? A. I have not.

Q. And you said, I think, that you were not an owner in any horse railroad lines ? A. I am not.

Q. Or of any stock of this projected line ? A. No, sir ; I am not.

Q. You testified the other day, Mr. Serrell, with reference to certain things that happened on horse railroad lines when the streets were obstructed ; have you ever known a horse railroad line to be able to run on its track, when, for any considerable distance, its track was undermined ? A. Well, they generally don't undermine them for any distance ; they slide the track over out of the way and work on ; whenever necessary, they slip their track over, and excavate where the track stood, and when that is filled in they push it back again. 782

Q. Then the going over of the track in the same position as it was is confined in your experience, to cross sections, as it were, across the street or on it ?

A. At certain times, for example, they leave one track, and run on one track switching off ; now, then, if it is one block, as I spoke of Thirty-second and Thirty-third Street, of course the cars have got to wait probably for a minute, and then they have to hurry up so as to make up time. 783

Q. But in various ways the cars have got around the obstructions that you have seen in the streets ?

A. Oh, yes, they can always get around them.

Q. Have you ever known them to leave the street ; to turn and go into another street ? A. I don't recollect of any.

*By Mr. Scribner :*

Q. This map that you have produced appears to show by red lines the horse-car routes, does it not ?

A. Yes, sir ; I believe it does ; I looked over it last night.

784 Q. And it likewise appears to show by blue lines the elevated railpad routes in the City? A. Yes, sir.

Q. This map does show, as the fact is, doesn't it, that there is a railroad on Broadway between Seventeenth Street and Forty-fourth Street, does it not? Just look at it. A. Yes, sir; I was looking over it last night.

Q. Do you see Broadway? A. Yes, I do; it comes down University Place.

Q. It shows a railroad extending along Broadway from Fourteenth Street down to Union Square, and along down Union Square and down University Place, does it not? A. Yes, sir.

Q. That route is indicated by a single red line on that map? A. Yes, sir.

Q. As a matter of fact there are double tracks on the whole length of the route that you refer to? A. Yes, sir; down to Eighth Street it is double track.

Q. The route that I have referred to, from Forty-fourth Street, in that neighborhood, down to Union Square, and along Union Square to University Place, where that map shows a single red line there are double tracks? A. Yes, sir; down to Eighth Street.

Q. As to the Elevated Railroads, doesn't that map show where the elevated stations are located, on those blue lines; look and see if you don't see some blue marks there? A. Yes, sir.

Q. And you know, as a matter of fact, that those Elevated Railroad stations are at considerable distances from each other, do you not? A. Yes, sir.

Q. Well, about what is the average distance between stations on the elevated railroads? A. Well, they vary very much; from Bleecker Street to Eighth Street it is a very long station.

Q. Well, a half mile or thereabouts, are they not? A. Yes, sir—hardly a half mile.

Q. This map that you have looked at also shows that there is no street railroad, by the omission of any red line or blue line, either elevated or street car line, on Broadway between the Battery and Union Square, does it not? A. Yes, sir; it doesn't show any railroads of any kind on Broadway to Fourteenth Street.

Q. And the fact is there is not and never has been any railroad running longitudinally along Broadway between the Battery and Union Square? A. They laid out a track of one block and took it up again.

Q. Well, there has not been for the last twenty years any track running lengthwise on the street between Union Square and the Battery? A. I don't know how long it is; but I know they laid down a block between Thirteenth and Fourteenth Street; I don't know how many years ago; but they took it up again. 787

Q. That was long ago, however? A. Yes, sir.

Q. What is the distance between the Battery and the Astor House? A. About a mile, I think.

Q. And for that distance there is no railroad of any kind, either on Broadway or touching Broadway, is there? A. No, sir.

Q. Between those two points—between the Battery and the Astor House? A. No, there is none, sir; there is a little road that runs back—

Q. Oh, I mean Broadway; confine your attention to Broadway? A. No, sir; none on Broadway. 788

Q. Then, the only public mode of conveyance between the Battery and the Astor House is the stages, is it not? Yes, sir.

Q. That is all? A. Yes, sir.

Q. Well, and cabs? A. Yes, sir.

Q. Then, between the Astor House and Fourteenth Street these various street railroads, to which you have referred, have a termini at Broadway, do have such termini? A. They do; yes, sir.

Q. That is to say, the Sixth Avenue and the Eighth Avenue terminate at Vesey Street and Broadway? A. Yes, sir.

Q. Those roads, then, do not afford any convenience of transit on Broadway? A. No, not in the least. 789

Q. The Broadway road—its Barclay Street route—terminates at Barclay Street and Broadway, does it not? A. Yes, sir.

Q. And that affords no conveniences of transit on Broadway? A. No, sir; not in the least.

Q. The Seventh Avenue branch of the Broadway and Seventh Avenue road terminates at Park Place and Broadway, does it not. A. It does.

Q. Does that afford to passengers any sort of conveyance or convenience for travel on Broadway? A. Not in the least.

Q. Then, there is no other road touching Broadway, excepting the Dry Dock road, that intersects Broadway at Lispenard Street? A. Yes, sir; that is the first one.

790 Q. Well, does that afford passengers any sort of convenience for travel on Broadway? A. Not in the least.

Q. Then, the Broome Street branch of the Broadway and Seventh Avenue line touches Broadway at Broome Street, does it not? A. Yes, sir.

Q. It does not cross Broome Street? A. No, sir.

Q. That is simply a terminus on the west side of Broadway? A. That is all.

Q. Isn't that so? A. Yes, sir; that is so.

Q. Does that afford to passengers any sort of convenience for travel up and down Broadway? A. No, not in the least.

791 Q. So that passengers on these various lines, to which I have referred terminating at Broadway, if they desire to travel along Broadway, must either patronize the stages or go on foot? A. Yes, sir, or some other conveyance.

Q. Well, I mean public conveyance; I mean so far as public conveyances are concerned, they have got to patronize the stages, hire a cab, or go on foot? A. Yes, sir.

Q. There are no street railroad facilities, either elevated or surface roads? A. None, sir.

Q. Is there any point on Broadway, below Fourteenth Street, where a man can get a car to go up and down town, except at Broome Street, Canal Street, Barclay Street, Park Place and Vesey Street, that you call to mind? A. There is at Eighth Street.

792 Q. To go up and down town, I say? A. No.

Q. These roads, running parallel with Broadway on either side of the city, their main routes lie to a considerable distance east or west of Broadway, do they not? A. Nearly two blocks—the first one I recall, and the next one three.

Q. And they all travel a circuitous or crooked route in getting up town or down town, do they not? A. They do.

Q. Now, in giving the routes of those railroads, as you did give them yesterday, did you attempt to give them with accuracy, or only in accordance with your best recollection of the routes? A. Only a general statement of the route; that is all.

Q. You have spoken of railroads, or questions have been asked in respect to the practicability of maintaining and operating railroads with double

tracks through the cross streets south of Chambers Street? A. Yes, sir. 793

Q. Assuming a street to be so narrow as not to admit of the practical operation of a double-track railroad, is there any sort of difficulty in constructing single tracks in each of two parallel streets, that will carry a man from the North River to the East River? A. No, not the least; I stated that I think Ann Street and Beekman Street are about as narrow as any of them, and there are railroads in each of those.

Q. What is the distance altogether from the Battery to Union Square? A. It is about two miles to Houston Street, and it is about half a mile, or a little over half a mile, or a third of a mile up to Fourteenth Street; I don't recollect the exact distances. 794

Q. Well, starting from the Battery, and measuring from the Battery, the first milestone is where? A. The first milestone from the Battery is about the lower end of the Park.

Q. Of the City Hall Park? A. Yes, sir.

Q. Then it is substantially a mile from the Battery to the City Hall Park? A. Yes, sir.

Q. And from the City Hall to Houston Street you meet the second milestone, do you not? A. Yes, sir.

Q. And all that distance, to a person desiring to travel on Broadway, there are no means of public conveyance at present? A. None at all.

Q. Excepting the stages? A. None at all excepting the stages. 795

Q. With regard to these tender people, the express companies that my friend is interested in, you say that most of their goods are delivered at the back of their buildings in Church Street? A. I have noticed so by passing; my general observation has led me to believe so.

*Commissioner Harris*: Mr. Serrell, there was an old road which ran down from Vesey Street to the Battery some years ago; is that run now? A. There is a road that runs from Vesey Street to the Battery through Church Street down.

*Commissioner Harris*: A one-horse road?

*The Witness*: Yes, sir.

*By Mr. Beaman*:

Q. You have spoken of the possibility of a single track road coming up Fulton Street and going down

796 Maiden Lane; the cars of that road to get around would have to cross into Broadway, wouldn't they?  
 A. Would have to come into Broadway the same as any other road by having a spur or branch.

Q. They would pass around that portion of Broadway, for instance, between Maiden Lane and Fulton Street, wouldn't they? A. Turn out of Broadway into Fulton Street or into Maiden Lane the same as they do from one street to the other.

Q. But part of their road would take in a portion of Broadway? A. Certainly it would.

Q. Therefore, the number of those cars, whatever they were, would be added amount of travel on Broadway at that particular place? A. Well, not so much so, because there might be the same number of cars—the same as they do now, and some go down one street and some not, the same as they do now on the west side, where some go to Broome Street and some to Barclay Street, and some on the Eighth Avenue, to Canal Street; and there is only a certain number run out of the depot; and so it would be in this instance.

Q. I am talking about the cars that would connect Broadway with, say, the East River, running from the ferry; I understood you, in answer to a question by Mr. Scribner, to say that a car might come on one street, say on Fulton Street, and go back on another street, say Maiden Lane; and the query was whether or not that car in the course of its travel would have to go through Broadway? A. It would.

798 *Mr. Scribner*: Going through Broadway? you mean across Broadway, don't you?

*Mr. Beaman*: No; it would make a loop, as I understand it.

*The Witness*: I am speaking in connection with a surface railroad on Broadway, that if there was a surface railroad on Broadway, and if it was necessary to branch off to go east or west, as they do with the Eighth Avenue or Sixth Avenue where they run to Broome Street or Canal Street, they could do the same as the other ones do, and every second or third car go to the ferry or go to the Battery according to the travel.

Q. Oh, I am talking about an independent connection at Fulton Street, of a line of cars going down Fulton Street to the ferry, and coming up Maiden Lane, and when it got to Broadway again,



if it was going to make its circuit, it would have to go up on Broadway from Maiden Lane to Fulton Street, wouldn't it? A. No, sir; it might go clear across to the other river. 799

Q. Go way across? A. Yes, sir.

Q. Is that the scheme that you were talking about thinking of? A. No, sir; I distinctly stated that if any spur or branch road would be run in connection with a surface road on Broadway, that if it was required by the public travel they would probably do the same down town as they do up town where they have made a spur at Canal Street and one at Broome Street.

Q. Then you would consider those as spurs of the line down Broadway and not as independent lines?

A. Yes, sir.

Q. And your idea is that part of the cars going down Broadway would go to one place and part to another, and by some means or other somebody would tell where they were going when they got in? 800

A. Well, those that couldn't read, why, would have to inquire at the blacksmith shop opposite.

Q. But they would be marked to indicate? A. Yes, sir.

Q. And then the cars would be coming up these streets, Fulton Street and Maiden Lane, and turning into Broadway at these places, or turning out of Broadway—that is your idea? A. That is the way, it would be; the public travel regulates itself to a certain extent, and the companies are anxious to get all the passengers they can, and, of course, make the roads suit the travel—make the cars suit the travel—and run more cars at one time of the day than at another, because more people travel. 801

Q. At what time of the day, in your judgment, would there be the most travel on Broadway in these horse-cars? A. Well, sir; it would depend altogether upon circumstances; I am not prepared to make any synopsis of that; that is a matter that would come into consideration after the road was fairly under way.

Q. You don't feel competent to express an opinion upon that? A. No, sir; I wouldn't want to.

*By Mr. Scribner :*

Q. I want to ask you a single question about your map; these maps which were produced and put in evidence by Mr. Beaman, and marked Exhibit "B

802 1" to Exhibit "B 7," on those maps where you have indicated by red lines railroad tracks on Broadway, where there are two red lines it indicates a double track, does it not? A. Yes, sir; double track.

Q. So, although it would appear to indicate a single track, each line represents a single track? A. Yes, sir.

Q. And whenever two lines appear it represents double tracks? A. Yes, sir.

*By Mr. Beaman:*

Q. On that printed map produced here to-day, there is nothing to indicate whether a track is a single track or a double track? A. Well, I think  
803 not, sir; but a description of the routes I think is there.

LAWSON N. FULLER, recalled for further cross-examination, and examined by Mr. Beaman:

Q. Mr. Fuller, you and I went the other afternoon to the office to which you referred me, and it was at 15 Cortlandt Street, wasn't it? A. Yes, sir.

Q. And on the door we found the name, "The Estate of Stephen Whitney," and the name of "George D. Warren"? A. Yes, sir.

Q. On the door of the room where you had left these various consents? A. Yes, sir.

Q. You have no more memory than you had the other day in regard to what you did with these consents, have you? A. No, sir.  
804

Q. For what purpose were those consents obtained? A. A railroad on Broadway.

Q. In whose employ were you when you were obtaining them? A. I was asked to obtain them by Mr. Andrews.

Q. Mr. George C. Andrews, the gentlemen whose name was on the door? A. No, sir; I think his name is William C. Andrews.

Q. Was it the consent to the building of what was known as the Broadway Railroad on Broadway? A. Yes, sir.

Q. What kind of a railroad was that proposed to be? A. Cable road, electric motor or compressed air; it was not determined.

Q. Was that the statement of the character of the road that was proposed that you made to the vari-

ous persons whose consents you solicited? A. Yes, 805  
sir.

Q. Are you in favor of such a railroad on Broadway? A. Yes, sir.

Q. What advantages does it have that a horse railroad does not have? A. It carries a great many more passengers, there is less dirt and less obstruction.

Q. Have you examined this matter of cable roads to some extent, or seen them in operation? A. Yes, sir.

Q. Where? A. Chicago.

Q. Anywhere else? A. No, sir.

Q. Have you, for any considerable period, been an advocate for cable roads on Broadway? A. Or in any other part of the City of New York, for 806  
about a year.

Q. Are you in favor of a horse railroad on Broadway? A. I should prefer a horse railroad if we couldn't get a cable road.

Q. Are you in favor of a horse railroad on Broadway running from the Battery to Fourteenth Street, with no connection or exchange tickets with other lines of road? A. No, sir.

Q. Why not? A. Because I think they should give transfer tickets.

Q. What do you mean by transfer tickets? A. Well, riding over other roads.

Q. Without any extra charge? A. Yes, sir.

Q. Why do you think they should do that? A. Well, because I think it is a valuable franchise. 807

Q. Why do you think the public should want the benefit of these transfer tickets? A. Because the public want to travel cheap.

Q. Did the railroad for which you were soliciting consents, propose to go beyond Fourteenth Street? A. Yes, sir.

Q. Whereabouts? A. They proposed to carry passengers to Kingsbridge.

Q. For what price? A. Five cents.

Q. No extra price? A. No, sir.

Q. And with exchanges all over the island? A. Yes, sir.

Q. And that was the plan of corporation that you proposed to the various persons whose consent you asked? A. Yes, sir.

Q. Is there any practical difficulty, in your opinion, in having a cable road on Broadway any

808 more than there is of having a horse railroad there!  
A. No, sir.

Q. Isn't it more dangerous? A. No, sir.

Q. Is it safer? A. Yes, sir.

Q. Why, isn't there more danger of people being run over by it? A. No, sir.

Q. Doesn't it take up more room for the same amount of passengers? A. Less.

Q. How so? A. No horses to take up the room.

Q. Well, don't they have any engine—how do they work? A. They have a grip that runs right under a car that carries passengers, as well as one or two cars attached.

Q. Then, is practically all the room of a car of a cable line available for passengers. A. Yes, sir.

809 Q. So that there is no room taken up by horses or motive power at all? A. No, sir.

Q. Where is the motive power? A. The front end of the forward car, what is called the grip car, which has the grip.

Q. That grips on to what? A. Cable.

Q. Where is the cable? A. In an arch underground about two feet.

Q. And not visible in the street at all? A. No, sir.

Q. What connection is there between this cable and the cars? A. A steel plate that runs through the slot in the rails, on the lower end of which there is a grip; then there is an upper jaw and a lower jaw; the cable runs in the lower jaw; the upper jaw is worked by a combination lever which shuts down on the cable.

810

Q. Then the stopping, I suppose, is accomplished by letting go the grip, and the starting ahead by fastening the grip? A. You stop by letting go of the grip and putting on the brakes.

A. Is the cable in motion all the time? A. Yes, sir.

Q. How is that driven? A. By a stationary engine?

Q. Located on some side street? A. Yes, sir.

Q. Then there is no power visible to anybody in the street? A. No, sir.

Q. Do you consider that an advantage? A. I do.

Q. Why? A. Because there is no power to take up room; every foot is available for carrying passengers; a locomotive takes up room, and horses

take up room ; a locomotive would be very dangerous, and horses are more or less dangerous. 811

Q. And no smoke, or steam or noise? A. No, sir.

Q. How many of these cables would you have to have, or how many of these arches, in a double-track road? A. Well, some 10 or 15 feet apart, the little iron arches—cast-iron arches—and they are cemented around ; concrete and cement ; you see nothing from the surface whatever ; you would simply think it was a rail laid down.

Q. My question is, whether one cable would carry all the cars between eight or ten blocks? A. Yes, sir.

Q. One cable, then, would carry them up and another down? A. Yes, sir.

Q. And there are not two cables to carry them up and two to carry them down? A. Well, they do use them that way sometimes. 812

Q. Why? A. Because, if they want to go slower, they put the grip on a cable that runs five miles an hour, and if they want to go faster there is another cable aside of that that is running at a higher speed.

Q. Of course, a cable is running at a fixed speed, and a car can only go at that speed, I suppose? A. Oh, yes ; they can govern their speed by their grip ; they can go at the rate of a mile an hour, or, by a cable running ten miles an hour, can go ten miles an hour.

Q. How is that? A. By taking a light hold if they want to go slow. 813

Q. Letting the rope slip through the hands, so to speak? A. Yes, sir.

Q. Then they regulate their speed by the tightness with which they hold on to this cable? A. Yes, sir ; but the reason they have two cables running, is to save the friction.

Q. Because this running with a loose grip is wearing? A. Yes, sir.

Q. But it is practicable, as you understand it, on a cable road to go slow or fast, even though the cable is moving fast? A. Yes, sir.

Q. Is it practicable to go a little way on a cable car—that is, to move a few feet? A. Oh, yes ; you can run at the rate of a mile in five hours if you want to.

Q. Have you ever seen in what distance a car of a

814 cable road could start and stop again? A. I beg your pardon; I didn't hear you.

Q. Have you ever seen within what short distance a car on one of these cable roads could start and stop again? A. Yes, sir.

Q. What distance? A. Well, running ten miles an hour, I have seen them get under full way and run in about thirty feet.

Q. And stop again? A. And stop again.

Q. That is, they can start and stop within thirty feet? Yes, sir.

Q. Even at ten miles an hour? A. Yes, sir; and even quicker than that, if they want to.

Q. What facility have they for stopping if they see any obstruction in the road? A. They take off the grip and put on the brake.

815 Q. But the momentum with which they are carried I suppose is very great if they are at high speed; is it not? A. Well, the maximum speed is ten miles an hour; the faster they are running the quicker they can stop if they are a mind to.

Q. The faster they are running, if they hit anything, the worse it is for what they hit? A. Yes, sir.

Q. Because they are hitched on to a powerful engine practically, that is running along? A. Yes, sir; they take off their grip instantly.

Q. What is the size of these cable cars, such as you saw running? A. I think they carry between forty and fifty passengers.

816 Q. That is, seated? A. Yes, sir.

Q. How wide are they as compared with our ordinary horse-cars? A. They are a little wider.

Q. Why is that? Isn't that a necessary part of their construction? A. No, sir; not necessarily; it is to make them more convenient.

Q. To make them more comfortable? A. Yes, sir.

Q. There is no need in the organization of the mechanical part of the car, or of its operation, to have it any larger than a horse-car? No, sir.

Q. And they are longer, generally, than horse-cars? A. Yes, sir.

Q. They are made up, as you have seen them, in trains of one or two cars? A. One, two, three, four, five, six.

Q. Just as they wanted to? A. Yes, sir.

Q. How long are the cables—how long practic-

ally? A. Well, five miles is about as far as they 817  
allow them to run from a stationary engine.

Q. Do you mean one single cable for a single engine? A. Yes, sir.

Q. Could Broadway, then, between the Battery and Union Square be operated by a single cable?

A. Yes, sir.

(Question repeated.) A. Yes, sir.

Q. That is a single cable under one track, taking cars up, and a single cable under another track taking cars down? A. Yes, sir.

Q. And the power to move those cables need not be on Broadway itself, but on some of the side streets? A. Yes, sir.

Q. In obtaining these consents that you obtained from the various parties, you explained to them the general plan of this cable road, didn't you, that it was proposed to build? A. Yes, sir. 818

Q. And its operation? A. Yes, sir.

Q. And received their consents knowing that it was to be such a road? A. Yes, sir.

Q. You appeared before a former Commission, did you not, consisting of the same Commissioners who now compose this Commission? A. Yes, sir.

Q. And on that Commission you opposed the application, did you not, of the Broadway Surface Railroad Company? A. I did.

Q. You are still opposed to the application of the Broadway Surface Railroad Company before these Commissioners? A. Yes, sir.

Q. Why? A. Because I think a cable road 819  
would be a greater benefit.

Q. Well, why are you opposed to this horse railroad? A. Because I think that a cable road would carry a great many more people with less inconvenience, and be a greater benefit to the property owners.

Q. So far as this present railroad is concerned, as you understand it, it only proposes to carry passengers to Fourteenth Street and Broadway? A. Which road?

Q. The present Broadway Surface road? A. I understand that they will carry people to Fifty-ninth Street.

Q. Fifty-ninth Street? A. Yes, sir.

Q. That is by making connection with the Broadway and Seventh Avenue road? A. Yes, sir.

Q. But in no other way? A. No, sir.

820 Q. Now, you have been very much interested in the subject of transit in New York for many years, have you not? A. Yes, sir.

Q. For how many years? A. Twenty-five years.

Q. And been in favor of Elevated Roads and all these roads? A. Yes, sir.

Q. And been at Albany, and been before commissioners, favoring such roads? A. Yes, sir.

Q. Were you at Albany last Winter in favor of the cable roads? A. Yes, sir.

Q. And you have had charge, more or less, of public meetings at various places in the city with reference to these rapid transit roads? A. Yes, sir.

Q. And cable roads? A. Yes, sir.

621 Q. You have appeared before the Board of Aldermen in opposition to the scheme of the Broadway Surface Railroad Company? A. Yes, sir.

Q. You had opposed them in public meetings with reference to the action that was taken by the Board of Aldermen in which a former franchise was given to them last Summer some time. A. Yes, sir.

Q. You appeared before the Board of Aldermen in October last, did you not, at their public sessions, or before the Committee of the Board of Aldermen, in opposition to this plan? A. Yes, sir.

Q. And made an address to the Committee of the Board of Aldermen? A. Yes, sir.

822 Q. Did you not, in the course of your address to the Committee of the Board of Aldermen, say as follows: "Now, I maintain that any man, whether he is counsel for any company, or any citizen, or any counsel for any estate, who can get up before this Honorable Board and declare that a company should receive this grant of the Broadway franchise which carries people no further than Fifty-ninth Street for five cents, is not a public benefactor, but a public enemy;" did you say that? A. I did; I said so, sir.

Q. Did you so believe? A. Yes, sir.

Q. Do you now so believe? A. Yes sir.

Q. Did you then further say: "Claiming that is magnanimous—a guarantee to carry people to Fifty-ninth Street for five cents for the consideration of having a Broadway franchise! The cream of all the franchises in the City of New York! and have that franchise to carry people to Fifty-ninth Street with-



out a dollar's consideration. Why, the Eighth Avenue, the Ninth Avenue, the Second Avenue and the Third Avenue have been carrying people for years to One Hundred and Twenty-ninth Street and McComb's Dam for five cents, and they propose to carry people one-half of the way for five cents. What are you going to do with us when you get us to Fifty-ninth street? Do you propose that we old gentlemen shall walk home in our declining years, a hundred thousand of us?" 823

Q. Did you state before the Board of Aldermen what I have just read to you? A. Yes, sir.

Q. And was that your opinion then? A. Yes, sir.

Q. And is now? A. Yes, sir.

Q. Did you state before the Board of Aldermen as follows: "As one of the counsel on the other side said yesterday, he didn't want to be dumped out at Fourteenth Street. He might just as well be dumped there as at Fifty-ninth Street. He ought to be dumped, anyhow, somewhere, and dumped quickly, too. In this business it is just as cheap for me——," 824

Q. Did you make that remark? A. I did, sir.

Q. Did you, before the Board of Aldermen, speak as follows: "Now, I maintain that a railroad on Broadway is necessary. I maintain that a railroad on Broadway is indispensable at the present time. Property-owners have come to that conclusion, but I don't believe that a horse railroad on Broadway will help Broadway. On the contrary, I think it would ruin Broadway, and I believe the majority of the property-owners look upon it in that light." Did you make those remarks? A. I don't remember having put it in that way; the way I intended to put it was that I did not think that a horse railroad should be built on Broadway now, but that a cable road would be preferable, but that I should rather have a horse railroad than none at all. 825

Q. The question is whether you remember making those remarks that I read? A. If I did make them I did not intend to.

Q. How would you qualify them if you were going to make them now? A. Well, I would state that a cable road would be far preferable on Broadway to a horse railroad, but that if I couldn't have a cable road, or any other road that is an improvement on

826 horse railroads, a horse railroad is better than none at all.

Q. So that when you said there—if you did say—that you thought a horse railroad would ruin Broadway, you don't go as far as that now? A. No, sir; what I intended to have said was that with a horse railroad on Broadway Broadway would not keep up with other avenues that had Elevated Railroads for instance.

Q. Did you say this: "I believe that if a horse railroad had been built on Broadway twenty-five years ago it would have been a great benefit, just as oil lamps were a great benefit to Broadway twenty-five years ago. But who would put them there to-day in the shape of electric lights? Who wants to see Jake Sharp's ring-boned, spavined, string-halt, broken-down horses?" A. Yes, sir; I said that.

Q. And that you believed? A. Yes, sir.

Q. And that you think was true then, and is true now? A. Yes, sir.

Q. Then, in your judgment, a horse railroad in Broadway is not at all up to the times? A. No, sir.

Q. And there are much better conveniences for travel even on a crowded street like Broadway than horse-cars? A. Yes, sir.

Q. And those means are by cable lines, and what other lines; do you know of any other lines? A. I think the cable lines are the best at present.

Q. You think the cable line is the best at present? A. Yes, sir.

Q. You testified before the former Commission, did you not? A. Yes, sir.

Q. Have you any objection to all the testimony you gave upon that former commission being put in evidence here? A. No, sir.

*The Witness:* I want to state, if the Commission will allow me, that the stenographer, who has reported me generally very correctly, in one or two instances made mistakes, which were very natural. I speak very rapidly when I am making an address, and before the Board of Aldermen I stated, after Mr. Hawes had made an address, that I *endorsed* every word that Mr. Hawes had stated; but my back being towards the stenographer, he misunderstood me, and reported me as having stated that I *had lost* every word that he had stated. So you see it is very easy to make a mistake where one is speaking

rapidly and has his back turned to the reporter. In 829  
 regard to a horse railroad injuring Broadway, I  
 stated that exactly, or intended to have stated it, as  
 I have here. Twenty-five years ago no doubt it  
 would have been a benefit, but to-day I should pre-  
 fer a cable road; but if we could not obtain a cable  
 road, or something better than a horse railroad, why  
 I should prefer a horse railroad to none at all.

Q. Before the former Commission, Mr. Fuller, you  
 appeared as attorney for parties opposing the appli-  
 cation of the Broadway Surface road, did you not?  
 A. Well, I was authorized to appear for them; I am  
 not a lawyer.

Q. But you appeared? A. Yes, sir.

Q. And filed some appearance? A. Yes, sir.

Q. You were called there as a witness in behalf of 830  
 the Broadway Surface road, were you not? A. No.

Q. You were called as a witness by Mr. Scribner?  
 A. Oh, yes, I was; I beg your pardon; I was.

Q. And you testified at length? A. Yes, sir.

Q. Being cross-examined by Mr. Parsons and also  
 myself? A. Yes, sir.

Q. At that examination, Mr. Fuller, you testified,  
 did you not, in regard to the manner of your em-  
 ployment to get those consents of the property-  
 owners, and who had employed you? A. Yes, sir.

Q. Will you please, as concisely as you can, re-  
 peat that former testimony? A. Well, I was spoken  
 to by Mr. Andrews—that was the only man besides  
 several property-owners, who expressed a desire that  
 I should endeavor to get the consents so that they 831  
 could have an improved railroad instead of a horse  
 railroad.

Q. And thereupon you went at it? A. Yes,  
 sir.

Q. With several other gentlemen? A. Yes, sir.

Q. And were at it three or four months? A. Yes,  
 sir; and very reluctantly.

Q. And you testified, at that time, I think,  
 that you had not received any direct pecuniary  
 compensation, but was an owner of some of the  
 stock of one of the companies? A. Yes, sir.

Q. That was true at that time, wasn't it? A.  
 Well, I supposed that it was true, but I found out  
 afterwards that I didn't own the stock.

Q. Have you since been compensated at all for  
 what you did? A. What is that?

Q. Have you since been compensated for what you

832 did with reference to obtaining consents? A. Well, to some extent, by different parties.

Q. Who by? A. Well, I decline most respectfully to state that.

Q. By the Broadway Company? A. I decline.

Q. Do you decline to state whether it was a company or individuals? A. Yes, sir.

Q. To what extent have you been compensated? A. I decline to state.

Q. Now, did you not testify in your former examination, Mr. Fuller, that in effect you showed to the different persons from whom you sought consent some resolution of the Broadway Railroad Company? A. Yes, sir.

833 Q. Please now state, as concisely as you can, the general arguments that you made to the various persons from whom you sought consents?

*The Witness:* I simply stated that the time had come when they have got to have a railroad on Broadway, and that it was for the property-owners to decide what kind of a railroad they wanted; and that this company had proposed to build a road there, and to give the property-owners the privilege of subscribing for one-half the stock, which would give the property-owners a controlling interest in the road; on that proposition they gave their consent.

Q. Was there a resolution of the company that accompanied the consents, stating that they could have their *pro rata* share of the stock in the company? A. Yes, sir.

834 Q. Did you not, on the former examination, produce a copy of the form of consent and of the form of resolution? A. I did.

Q. Have you any of the copies of these original consents? A. I have not, sir.

Q. Do you know where any of them are? A. I do not.

Q. Do you know where these consents are? A. I do not.

Q. Or where they may be obtained? A. I do not; I know where I left mine, as I stated the other day.

*Mr. Scribner:* The form that you produced formerly was left with the Commission, wasn't it?

*The Witness:* No, sir.

*Mr. Beaman:* He means the ones that were signed.

Q. Mr. Fuller, were not the consents which you submitted to property-owners for their signature of the following form : 835

“*Consent of Property Owners to the Building of a Railroad in Broadway by the Broadway Railroad Company, Incorporated May 7th, 1884.*”

“We, the undersigned, owners of property upon Broadway, in the City of New York, and of the lots or parcels set against our respective names, hereby severally give our consent to the construction, maintenance, operation, use and extension of a surface street railroad, or branches, from Union Square to the South Ferry, through the entire length of Broadway, and upon the routes laid down in the Articles of Association of the Broadway Railroad Company, filed May 8th, 1884 ; and to the construction and use of such switches, sidings, turnouts, turn-tables, and stands, as may be necessary for the convenient working of the road ; and do agree to the use of such motive power, allowed by the Act to provide for the construction of street surface railroads, approved May 6th, being Chapter 252 of the Laws of 1884, as shall be selected by the said company. 836

“Dated New York, 1884.”

Q. Is that a copy of the consent ? A. Yes, sir ; as near as I remember,

Q. Isn't the following, which I read from your former testimony, a copy of the resolution which accompanied the consent, and which you showed to the several parties : 837

“NEW YORK, 15 Cortlandt Street, Room 61,

“Post Office box 3395.

“OFFICE, B'WAY R.R. Co.

“Resolution passed at meeting of Directors of The Broadway Railroad Company, held May 20th, 1884 :

“*Resolved*, That each corporator be requested to use all convenient endeavor to obtain the consent of property-owners on Broadway ; and upon the condition that such property-owners as desire may be permitted to subscribe their proportion to one-half of the capital stock of this company.

“Attest, THEO. C. CAMP,

“*Secretary.*”

- 838 Q. Is that the paper that you showed to the property owners? A. Some of them; they didn't all require the resolution, but took my statement.
- Q. Did most of the property-owners that signed the consents agree to become stockholders or take their *pro rata* share in the stock of this company? A. Yes, sir.
- Q. They did? A. Yes, sir.
- Q. Were any payments made by them on account thereof at any time—any cash payments? No, sir.
- Q. Or any note or check or anything of the kind given? A. No, sir.
- Q. Do you know what, if any, arrangement has been made between the Broadway Railroad Company and the Broadway Surface Railroad Company by which the Broadway Railroad Company no longer opposes before the Commission the application of the Broadway Surface Railroad Company? A. I don't know of any arrangement.
- 839 Q. Have you heard of any? A. Only what I have read in the papers.
- Q. What arrangement do you know of by means of which the stockholders of the Broadway Railroad Company, whom you once represented, and the stockholders in the Broadway Surface Railroad Company, which is now before this Commission, have united? A. I don't know anything about it.
- Q. Has your employment for the Broadway Railroad Company ceased? A. Yes, sir.
- 840 Q. Did you receive notice that you were required no longer to get consents? A. No, sir; I have received no notice.
- Q. You have ceased your labors, have you not? A. Of getting consents? yes, sir.
- Q. You have ceased getting consents of your own will, without any instructions from any one? A. Yes, sir.
- Q. As I understand, you turned the consents over without any instructions? A. Yes, sir.
- Q. Who were the other gentlemen that were employed in getting consents for the Broadway Railroad Company? A. I know but two of them; one by the name of Booth and the other by the name of Beyer.
- Q. Are any persons, as you understand, now employed in getting consents for the Broadway Railroad Company? A. Not that I know of.
- Q. Isn't the great need of a railroad on Broadway,

of any kind. Mr. Fuller, in your opinion, that it shall be some road which shall connect with other roads, and give rapid transit the whole length of the island? A. Yes, sir. 841

Q. And anything that don't practically do that on Broadway is not, in your judgment, of the greatest value? A. No, sir; I don't care who does it, as long as they do that.

Q. But a railroad on Broadway, a horse railroad or cable railroad, or anything else, that don't for one fare carry you to different parts of the island, would not, in your judgment, be what is wanted?

A. No, sir.

Q. Or what the people want? A. No, sir.

Q. Or of any great public benefit compared with the other? A. No, sir. 842

*By Mr. Scribner:*

Q. Mr. Fuller, you have stated, as I understand you, that in circulating the consent which you carried, a copy of which has been read to you by Mr. Beaman, you represented to the parties whose signatures to such consent you solicited, that the railroad proposed to be built by the Broadway Railroad Company was a cable railroad; are you correctly understood? A. Cable, electric motor, or compressed air; that the company were to decide upon after they were organized.

Q. The form of consent which has been read to you by Mr. Beaman, and which you have testified is, according to your recollection, the form of consent which you carried, and to which you solicited signatures, provides as follows: "That the subscribers agree to the use of such motive power allowed by the Act to provide for the construction of street surface railroads, approved May 6th, being Chapter 252 of the Laws of 1884, as shall be selected by said company." Had you any authority from the company in whose employment you were then acting to change in form or in substance the language of this consent? A. Well, I consulted with one or two gentlemen, and they stated that the motor should be decided after the company was formed, by a majority of the property-owners, and that was they insisted upon that the motor should be it, probably would be, whether horse cars, electric motor, cable cars, or compressed air. 843

Q. And in stating, then, to the persons whose

844 signatures you solicited to this consent what the motor would probably be, you were simply giving your own opinion on that subject, were you? A. Yes, sir.

Q. Expressing your own preferences? A. Yes, sir.

Q. Did you understand the form of consent which you carried, and to which you solicited signatures, prohibited the construction of a railroad to be operated by horse power? A. Not absolutely.

Q. Then the form of consent, as you understood it, and as you presented it for signatures, would include the construction and operation of a railroad by horse power as well as any other power, would it not? A. If the majority of the property-owners so elected it.

845 Q. In other words, the consent which you carried and signatures to which you solicited, comprehended horse power as well as steam power, cable power, compressed air or electricity? A. Well, I could not have obtained a majority of the consents if it was to have been horse.

Q. I am only speaking of the form of consent actually signed by property-owners whose consents you obtained; it would include horse power as well as the other motive powers to which you gave your preference? A. Yes, sir.

846 Q. You have stated, in reply to Mr. Beaman, that this railroad company which employed you to solicit the consent of property-owners extended to property-owners on Broadway the privilege of subscribing for a certain amount of the stock? A. Yes, sir.

Q. Do you remember what the portion of the stock was? A. That is expressed in this resolution, isn't it?; one-half.

Q. You did not extend that privilege to any person other than the owners of property on Broadway, did you? A. I didn't solicit the consents of any others.

Q. So far as you know, that privilege was not extended to any property-owners, or to any individuals other than the owners of property on Broadway? A. No, sir.

Q. So far as you know, Mr. Fuller, has the consent of the Common Council of the City of New York been ever granted to any company other than the Broadway Surface Railroad Company for the



construction and operation of a railroad on Broadway between the Battery and Union Square? A. No, sir. 847

Q. So far as you know, is it possible for any railroad company—the Broadway Railroad Company, which you represented, or any other railroad company, to obtain the right to construct or operate a railroad on Broadway, between the Battery and Union Square, without first obtaining the consent of the Common Council? A. No, sir.

*Mr. Beaman*: That is a question of law.

Q. I think you have already stated that no other railroad company, to your knowledge, has received the consent of the Common Council, except the Broadway Surface Railroad Company? A. No, sir; they have not.

Q. You participated in the debates that were had before the Board of Aldermen on the last application of the Broadway Surface Railroad Company for the consent of the Common Council to the construction, maintenance and operation of its proposed railroad, did you not? A. Yes, sir. 848

Q. And it is from those debates, the debates that occurred before the Board of Aldermen on that application, that Mr. Beaman has read in several of the questions that he had put to you on the stand? A. Yes, sir.

Q. That discussion resulted, did it not, in the passage and adoption by the Board of Aldermen of the resolution that was put in evidence at the first meeting here? A. Yes, sir.

Q. And that consent was granted on divers conditions that were talked about and discussed by the various parties who appeared and debated the question before the Board of Aldermen, was it not? A. I don't know what conditions it was granted upon. 849

Q. Did you never read it? A. Yes, but I never thought it passed on those conditions.

Q. You were discussing the matter and opposing this railroad upon the assumption that it proposed to exercise the franchise for which it applied of constructing and operating a railroad on Broadway, without the payment of anything to the city, were you not? A. No, sir; I beg your pardon, I may not have understood you.

Q. You assumed that this company was applying for and seeking to obtain the franchise of constructing and operating a railroad on Broadway, between

850 the Battery and Union Square, without paying anything for it, weren't you? A. Yes, sir; and without the other conditions that I thought should be attached.

Q. You advocated before the Board of Aldermen the construction of some railroad on Broadway, did you not? A. Yes, sir.

Q. And you advocated and spoke before the Board of Aldermen, expressing your own ideas of what the conditions should be? A. Yes, sir.

Q. And after a full discussion, lasting many days, and after a full hearing of yourself and the other opponents of the Broadway Surface Railroad Company, the Railroad Committee made a report to the Board of Aldermen, did it not? A. Yes, sir.

851 Q. And in it they expressed their own views as to what conditions should be imposed, did they not? A. Yes, sir.

Q. And they passed and adopted a resolution giving and granting to this railroad company the consent of the Common Council upon the conditions which they affixed after hearing you and all other opponents of the road? A. Yes, sir.

Q. Do you happen to remember that among those conditions was the condition that the Broadway Surface Railroad Company from the time its proposed railroad should commence operations should be bound to pay into the City Treasury, in addition to all the percentages required by law, an additional compensation of \$40,000 per year? A. I don't remember that distinctly.

852 Q. But are you aware that that is one of the conditions on which the consent of the city was granted? No, sir; but I will take it for granted it was.

Q. Was any such condition as that proposed to be assumed by the Broadway Railroad that you represented? A. They proposed to give \$1,000,000 for the franchise, and to carry people to Kingsbridge, with transfer tickets for five cents.

Q. That is the way you understood it? A. Yes, sir.

Q. Did the Broadway Railroad Company ever make or present to the Common Council any formal application in writing, as required by the Act of 1884, for the privilege of constructing and operating a railroad on Broadway; I mean as far as you know? A. I don't know as they ever did legally.

Q. Among other people to whom you applied for consent and (if Mr. Beaman don't object, or won't object) from whom you obtained consents, or whose signature you obtained to a form of consent such as Mr. Beaman read in one of the questions put to you, was there a gentleman named Mr. Silliman, the owner of the property on the southeast corner of Broadway and Wall Street? A. Yes, sir. 853

Q. Did you personally see Mr. Silliman? A. I did, sir.

Q. Did you personally procure his consent for the construction of a railroad on Broadway? A. I did.

Q. Notwithstanding your preference in favor of a cable road, Mr. Fuller, is there any doubt in your mind that the construction and operation of a horse railroad on Broadway, between the Battery and Union Square, there to connect with the existing tracks of the Broadway and Seventh Avenue Railroad Company, and carrying people over the tracks of the Broadway and Seventh Avenue Railroad Company, without change of cars, and for a single fare of five cents, between the Battery and Central Park, would be of immense public advantage? A. I think it would. 854

Q. Your views on that subject are not changed or altered from the testimony you gave the other day, are they? A. No, sir.

*Commissioner Harris* : You still adhere to that opinion?

*The Witness* : Yes, sir. 855

Q. You still believe that if your favorite, the cable road, cannot acquire the right to construct and operate a railroad on Broadway, a horse railroad would be of immense public advantage? A. Yes, sir; but I think a cable road should be built.

Q. Please don't say anything except to answer my questions; you have given to Mr. Beaman your views of the cable question, and I promised not to say much about that? A. All right, sir.

Q. You have expressed your preference for a cable road? A. Yes, sir.

Q. Let us drop that right there; assuming that no cable road can be secured, and assuming that no gentleman can be found sufficiently philanthropic to be willing to be engaged in the operation of a railroad between the Battery and Kingsbridge, on the surface, or in the air, or underground, for five cents

856 fare, you still adhere to the opinion that if you cannot acquire all that, that a horse railroad on Broadway, even terminating at Union Square, would be of great advantage to the public? A. Yes, sir.

Q. Mr. Fuller, won't you tell me what your opinion is on the subject as to whether the construction and operation of a horse railroad on Broadway, with tracks occupying, together, say fifteen feet of space in the middle of the street, and railroad cars sufficient in number to accommodate the ordinary traffic on Broadway run on those rails, would or would not that railroad, in your opinion, tend to relieve or alleviate the obstructions of Broadway rather than to increase such obstructions and blockades? A. I think that it would.

857 Q. Won't you please give the Commissioners—you are an affluent man, and I would like to have you give the Commissioners, in your own language, your reasons for the opinion that the construction and operation of a street railroad in the manner I have described, in the centre of Broadway, between Union Square and the Battery, would relieve Broadway of any existing obstructions and liability to blockade? A. Well, I think the travel on a street is much easier, less obstructed by cars, than by stages, from the fact that you always know where a car is going, and you never know where a stage is going.

858 Q. That is "one of the things no fellow can find out"? A. That is one of the things nobody can tell; I have driven in Broadway a great deal, and I have driven aside of the cars; you can drive right along the side of a car, and you know that they will keep in their place and that if the space is wide enough, you can pass through, and they won't turn ahead of you; but with the stages, they will sometimes turn and head you off and put you in a corner; another thing, a surface road will take a great many more passengers than a stage and they make a great deal less noise than a stage, and as a rule men driving trucks, or driving coaches, or driving private carriages, will give a car the right of way, and they know just where to turn their horses out, and what calculations to make to avoid them; but you never can tell where a stage is going; before you know it their pole comes into your rear or your front, or somewhere else; and I never drove in Broadway but what I had a pain in my side when I heard a stage coming, and I consider that cars on Broadway would

drive the stages off ; and the stages are a great public nuisance, not only to those who ride in them but to those who own property along the line where they run, and should have been abolished long ago out of consideration for the property-owners and for the riding public ; and we have now only three lines of stages on Broadway, and they probably carry from 12 to 15 or 18,000 passengers a day, and here there are nearly a million of people riding on the avenues and Broadway is not blocked near as much as it was 20 or 25 years ago, when there were 6 to 800 stages running in from every direction of the island into Broadway ; and along the routes where the stages ran, Eighth Avenue, Bleecker Street, &c., they have taken off the stages and substituted cars, and it should have been done on Broadway 25 years ago ; but it is not too late to do it now. 859 860

Q. Mr. Fuller, then your opinion in respect to the liability or the lessened liability of blockades in Broadway, is not only a mere opinion but is the result of your experience as a citizen of New York, after the withdrawal of the stages that used to run there twenty years ago ? A. Yes, sir.

Q. I want to go into that a little more particularly ; twenty years ago blockades frequently existed in the vicinity of the City Hall, and below that for hours at a time, did they not ? A. Well, I won't say hours ; but frequently and very annoying.

Q. At that time there was what was known as the Consolidated Stage Company, operating a great many stages in Broadway, was there not ? A. Yes, sir. 861

Q. There was a line of stages running through Bleecker Street, and that you have referred to ? A. Yes, sir.

Q. That was called the Knickerbocker Line, was it not ? A. Yes, sir.

Q. There was a line of stages running through Amity Street, wasn't there ? A. Yes, sir.

Q. A line of stages known as the Red Bird Line ? A. Yes, sir.

Q. Do you recall any other lines of stages that were then running, and that have ceased ? A. Kipp & Brown's Line, Ninth Avenue, Dry Dock, East Broadway, Fourth Avenue—there were from twelve to fifteen lines.

Q. All those stages, except the three lines now in

862 operation, disappeared by the year 1864, when the Broadway and Seventh Avenue Railroad, the Bleecker Street Railroad and the Dry Dock and East Broadway Railroad were built? A. Yes, sir; and the Eighth Avenue and other avenues; the stages disappeared just as rapidly as they built the railroads.

Q. In other words, the stage companies have not been able to compete with the street car lines on the same streets? A. No, sir.

Q. And that, in your opinion, would be the effect of constructing a railroad on Broadway at the present time? A. Yes, sir.

Q. And the withdrawal of those stages, caused by the competition of the street cars would facilitate travel instead of increasing the obstructions? A. Yes, sir.

Q. In giving your opinion to Mr. Beaman in respect to the feasibility of the construction and operation of this proposed railroad on Broadway, did you take into consideration the fact that it proposes to connect at Fourteenth Street with the existing Broadway and Seventh Avenue Railroad? A. No, sir.

Q. You think that would be an improvement over any road that stopped at Fourteenth Street, do you not? A. Oh, yes.

Q. That is a railroad company that will undertake to carry passengers in one car, and for one fare, from the Battery to Central Park, would be more of a public benefactor than a railroad company which, in the classical language of somebody, read to you by Mr. Beaman from the discussion before the Board of Aldermen, should dump its passengers at Union Square? A. Yes, sir; that was George Bliss' language.

Q. Was that George Bliss? A. Yes, sir.

Q. I thought he was reading your language? A. No, sir; that was George Bliss' language.

Q. That was plagiarism, then, was it? A. No, sir; they objected to it, and I stated it was his own language, and I repeated it.

Q. You are in doubt, now, Mr. Fuller, whether you are a stockholder in the cable road, or not? A. Well, I don't wish to go into any particulars; there is a little misunderstanding.

Q. You thought you were when you were exam-

ined before, and now it is rather dubious? A. Well, 865  
it is not adjusted fully.

Q. Mr. Fuller, have you had any practical experience in the operation of a cable road? A. I have ridden on them and examined them carefully.

Q. How long did you spend at Chicago in examining the operations of that cable road? A. I rode over every foot of the road, and went through all the machine shops, and went under ground and examined the cables and machines.

Q. I asked how long you were in Chicago? A. One day on the road.

Q. One day? A. Yes, sir; most of the day.

Q. So that all your information respecting the practical operation of a cable road was acquired by one day's examination and observation of the railroad at Chicago? A. And I have information from 866  
the engineer and others.

Q. You got all that in one day? A. My practical experience was confined in the riding on the road and observation, to one day.

Q. How many times did the cable break that day? A. Not at all.

Q. Then you were on one of their lucky days? A. Yes, sir; one day.

Q. One of their lucky days, when the cable didn't break? A. No, sir; I don't think the cable breaks very often.

Q. Don't you know that it does sometimes break, and the entire operation of the road is suspended for a week at a time? A. Oh, no, sir. 867

Q. They didn't tell you about that during your examination? A. No, sir; I don't think that is the fact.

Q. Do you know anything about the sub-structures beneath Broadway? A. No, sir.

Q. Did you hear the testimony of Mr. John C. Campbell, the Civil Engineer, formerly connected with the Department of Public Works, here the other day, in respect to the pipes and sewers and telegraph wires, and various other things underneath the surface of Broadway? A. No, sir; I don't care anything about that; I know the cable road would not interfere with any of those.

Q. Oh, of course not; this railroad up in Tenth Avenue, which is being constructed; the cable road—you have observed the construction of that, have you? A. Yes, sir.

868 Q. Do you remember about what the dimensions of the excavations that were made in Tenth Avenue for the purposes of a cable road were? A. About three feet deep.

Q. That is only one dimension? A. Well, the width is the ordinary width—about four foot eight.

Q. Four feet eight? A. About that.

Q. Four feet eight wide and three feet deep? Wasn't it four feet deep? A. It may have been a little over three.

Q. And there were two of those excavations, were there not? A. Yes, sir.

Q. You don't know of any other way of building a cable railroad than by making such excavations, do you? A. No, sir.

869 Q. You have said something about Jacob Sharp's spavined knee-sprung and ring-boned horses; do you really know that he has got any spavined horses? A. I know he has had them; I don't know but that he has sold them since.

Q. Does any opposition you have to a horse railroad on Broadway spring from the fact that you think that that railroad is going to be operated with spavined horses? A. They necessarily use ordinary horses on railroads.

Q. Just answer my question; my question is, does your opposition, so far as you have got any opposition, to the operation of a horse railroad on Broadway, spring from the idea that they are going to run it with spavined horses? A. Not absolutely.

870 Q. If they were going to run it with good horses, would that improve your idea of it? A. Yes, sir.

Q. Those are the kind of horses we are going to use, Mr. Fuller. A. Well, I don't know that.

Q. You have stated, Mr. Fuller, that you were incorrectly reported in the arguments and speeches, that you made before the Board of Aldermen, and you referred particularly to a mistake of the stenographer, in reference to what you said concerning the speech made by Mr. Hawes before the Board of Alderman? A. Yes, sir.

Q. Was that Mr. Hawes to whom you referred, the gentleman who was called here as a witness a few days ago? A. Yes, sir.

Q. You heard his speech before the Board of Aldermen, did you? A. Yes, sir.

Q. And instead of being in antagonism with him



you say now that you endorse what he said there? 871  
A. Yes, sir.

Q. Did you hear his testimony before the Commission here? A. No, I did not; not all of it.

Q. So far as you did hear his testimony before the Commissioners at the present session of the Commissioners, do you endorse his testimony on that subject? A. I don't think I heard any of his testimony here; I may have heard some; but if I understood his testimony correctly he said nothing about any particular road; he simply said he believed in a road on Broadway; so do I.

*By Mr. Beeman:*

Q. In regard to the horses that you have spoken of, you have supposed that they would be the same kind of horses on the Broadway road below Fourteenth street that are now on the Broadway road above Fourteenth Street—on the Broadway and Seventh Avenue road? A. Yes, sir. 872

Q. Of the same general character, and of the same characteristics? A. Yes, sir.

Q. You have spoken about Broadway, and the benefit that Broadway has received so far as its being crowded is concerned, by the fact that stages have been taken off within the last twenty years? A. Yes, sir.

Q. What has become of the travel that formerly went on those stages? A. It goes off on the side streets.

Q. In the horse-cars and in the elevated roads? A. Yes, sir; Eighth Avenue, University Place, Seventh Avenue, Third Avenue, Fourth Avenue—on those railroads. 873

Q. The whole effect, then, of the building of those railroads and the running of those horse-cars has been to take away through travel from Broadway? A. Yes, sir; and that has taken the life-blood out of Broadway.

Q. But the travel has gone, and you have an idea that it will still be on those streets even to some extent, even if we have a road on Broadway? A. I think the travel over Broadway would be four-fold if we had cars on Broadway.

Q. Your opinion, then, is that the putting of horse-cars on Broadway will four-fold the present travel on Broadway between the Battery and Fourteenth street? A. Yes, sir.

874 Q. Do you mean that there will be four times as many passengers riding in the cars as are riding in the omnibuses? A. Yes, sir.

Q. Will it increase the foot-travel on Broadway? A. Yes, sir.

Q. In your opinion, then, Broadway, so far as people going up and down are concerned, will be much fuller after there are horse-cars on Broadway than there are now? A. Yes, sir; or any cars—a surface road on Broadway.

Q. But a railroad on Broadway of any kind will bring more foot-passengers to Broadway and will quadruple the number of passengers traveling in the cars? A. Yes, sir.

875 Q. And it will take those people from the other lines of travel? A. Not necessarily; people would ride up Broadway and ride on the elevated trains, just the same, for instance, as if I came down in an elevated train in the morning, and I wanted to go up Broadway to transact some business, I should go on a Broadway railroad instead of a railroad on a side street, and as you increase the facilities for carriage you increase the facilities for riding, of course.

Q. And Broadway, then, would have more passengers—would get that particular passenger at the expense of a railroad on one of the side streets? A. No, sir; not necessarily.

876 Q. You don't know of any way that you can go up Broadway and in one of the side streets at the same time? A. We should go up Broadway instead of taking the side street road: go direct.

Q. And the side street would lose that passenger, if that was any advantage to the side street? A. If I wanted to go up Broadway on certain business of course I should go on a Broadway road instead of taking a side street road or an elevated road.

Q. Now, how do parties that have business upon Broadway, between Fourteenth Street and the Battery, now go up and down? A. Well, mostly by the surface cars and by the elevated roads.

Q. That is, even if they go as short a distance as from say Wall Street to Fourteenth Street, they would take the elevated road rather than an omnibus? A. Usually.

Q. And they would take the horse-car rather than the omnibuses? A. Usually the elevated roads; depends upon where they wanted to go; if they wanted to get out at Union Square they would take the

horse-cars ; depends upon where they wanted to go. 877

Q. Though you were going no further up than Fourteenth Street ? A. Yes, sir.

Q. Would the elevated roads take you, say you were at Wall Street, to Fourteenth Street and Broadway quicker than an omnibus ? A. Yes, sir.

Q. How much quicker ? Well, I have never taken the time, but I should judge probably from five to eight to ten minutes ; depends upon whether the stage is blocked ; sometimes they are blocked and sometimes they drive slower ; I have got out of a stage and have walked five or six or eight or ten blocks, when I was in a hurry.

Q. And then you would beat the stage ? A. Beat the stage, yes.

Q. But you are sure that you can go to Fourteenth Street, say from Wall Street, quicker by the Elevated road, even though you have to walk to the station that you get in and walk from the station where you get out ? A. Yes, sir ; if I was in a hurry to go to Fourteenth Street and Broadway, and wanted to be there exactly at such a time, I should never take the stages, but would take the elevated cars. 878

Q. Suppose you were right where we are now and wanted to get a public conveyance, outside of a cab, in the busy time of day, to go to the corner of Fourteenth Street and Broadway, which way would you go ? A. Well, if I was in a hurry, I should take the Elevated road ; if I had plenty of time I might go into a stage. 879

Q. Would the stage be slower than the Fourth Avenue road, do you think ? A. Yes, sir.

Q. Would it be slower than the Third Avenue road ? A. Well, I should not go by the Third Avenue road ; it takes me too far out of the way.

Q. The Elevated road on Third Avenue—how would that be ? A. The stage would be slower than the Third Avenue road if I took it here at the City Hall.

Q. It would be slower than that ? A. Yes, sir.

Q. Would it be slower than what is known as the Broadway road going up University Place ? A. Yes, sir.

Q. Just please mention those different conveyances in the order of which you consider their relative speed for going from here to the corner of Four-

880 tenth Street and Broadway? A. Well, the Elevated Railroads.

Q. Third Avenue first? A. Well, Third or Sixth Avenue; I don't think there is much difference.

Q. What is the next? A. Well, then I should take the Broadway and University Place cars right here; but that is dangerous, for sometimes they are blocked in Church Street, and keep you five or six minutes.

Q. What next? A. A stage is the last I would take.

Q. What would you take before? A. The Sixth Avenue cars.

Q. Rather than the Fourth Avenue? A. Yes, sir.

Q. Why? A. If I was over on that side.

881 Q. Suppose you were right where we are? A. Well, I should take the Fourth Avenue cars.

Q. Then you would take the stage the last of all? A. Yes, sir.

Q. You would take first of all the Elevated roads—either of them? A. Yes, sir.

Q. And then you would take these different lines of horse-cars—wherever you happened to be? A. Yes, sir.

Q. Now, if there was a horse railroad up Broadway, you think that would go quicker than either of the other lines of railroad? A. Yes, sir.

Q. And quicker than the omnibuses? A. Yes, sir.

882 Q. At what time of the day would most of the travel be carried, in your judgment, on this Broadway road? A. Morning and evening always.

Q. That is at what time? A. Well, between 7 and 9 o'clock in the morning, and 5 and 7 o'clock in the evening.

Q. Whom would it be used by? A. Well, all classes of people.

Q. People going to their homes or going to their business? A. Yes, sir.

Q. Would it be used by people living east of Fifth Avenue? A. Yes, sir.

Q. Wouldn't they prefer the Elevated roads? A. That would depend upon whether they were in a hurry; most people would like to go through Broadway if they could go conveniently and comfortably, if they were not in a hurry; they would always prefer Broadway if they were not in a hurry;

if they were in a hurry they would take the most expeditious route. 883

Q. Then the tendency of this road would be to bring people to Broadway in those early morning hours and in those night hours? A. Yes, sir.

Q. You don't think that people from Harlem would go in any way to Fifty-ninth Street and come down on this road, do you? A. Sometimes, if they had business on Broadway, they would do just that thing.

Q. Rather than come down the Third Avenue road? A. Yes, sir; ride right to the door, if it was a stormy morning.

Q. Now, in the daytime, say from 10 to 4 o'clock, would there be much use of this horse railroad? A. Yes, sir; I think they would carry four times as many passengers, and bring those passengers on Broadway. 884

Q. Where would those people be going? A. Shopping.

Q. Along Broadway—short riders? A. They would be going up and down Broadway, and going to and from their business.

Q. But mostly short riders at that time of day? A. Yes, sir.

Q. You have explained that the number of stages on Broadway has diminished within the last twenty years; hasn't the amount of other travel on Broadway increased in the last twenty years? A. No, sir; I don't think so; there isn't the crowd on Broadway any time of day, or any season of year, now, that there was twenty-five years ago, from Chambers Street to the Battery. 885

Q. Not in vehicles? A. No, sir; don't begin.

Q. Not so much trucking? A. Not so much of anything.

Q. And any opinion that you have given with reference to a road on Broadway is based on that as a fact? A. Yes, sir; actual observation.

Q. And you form your opinion on such a belief in the facts? A. Yes, sir.

Q. To what extent, in your judgment, has the travel of vehicles on Broadway diminished within the last twenty years, outside of omnibuses? A. Well, I don't think there are—I have often remarked it that I don't think there are as many by thirty to forty per cent. as there was twenty-five years ago.

886 Q. That is, you think there is only from sixty to seventy per cent. as much travel on Broadway now as there used to be? A. Yes, sir.

Q. All the way from the Battery to Fourteenth Street? A. Yes, sir.

Q. Do you think putting a horse-car line on there would bring that travel back? A. I think it would bring a great deal of it back.

Q. This heavy trucking? A. No, sir; I don't think that; as a rule truckmen prefer going on Broadway the same as—

Q. We seem to have misunderstood each other; I have been inquiring about travel on Broadway as far as it consisted of wagons and trucks, and I understood you to say that, in your opinion, there  
807 was only sixty to seventy per cent. as much trucking and wagon travel on Broadway now as there used to be; that is right, is it? A. Yes, sir.

Q. Now, I want to know if, in your opinion, the putting of a horse railroad on Broadway would bring that travel back? A. Not necessarily.

Q. You don't think that would bring it back? A. No, sir; not so much as to trucking.

Q. Would it drive it away, in your judgment? A. No, sir.

Q. But it wouldn't bring it back? A. Truckmen, as a rule, prefer keeping in a street where there is the least crowd, on account of their load stopping and starting, and where they can have a straight  
888 line, and I have found truckmen, as a rule, excellent drivers, preferring to take a railroad track, if they could have a good one, because their loads would haul much easier; but Broadway is a little elevated, and they have to drive up hill on each side, and unless a truckman is compelled to drive up Broadway he will keep along on the east side here (indicating) and on the west side.

Q. You don't agree with the testimony of some of these other witnesses? A. No, sir; I do not; we had eight or ten trucks for twenty-five years in the sugar business, and we always ordered our truckmen to keep out of Broadway.

Q. Because there was more travel there? A. Because they wouldn't have to stop and start, and were likely to damage people.

Q. How? A. Running into them; very frequently we had to pay damage for running into people—light carriages, coaches, &c.

Q. And rather than run the risk of paying damages, you told them to keep out? A. Well, it was harder for the horses on account of so many obstructions; that was from 1857 to 1876. 889

Q. If you were in the sugar business now, you would keep your trucks out of Broadway? A. Yes, sir.

Q. For the same reasons? A. Yes, sir.

Q. On account of the obstructions? A. Not because of so many obstructions alone; West Broadway is far better, and South Fifth Avenue is better than Broadway in every respect.

Q. But after you get below Chambers Street? A. Then right under the elevated railroad in Church Street; I find some truckmen that prefer to go under the elevated road, because in Winter time it is somewhat protected, and in Summer it is shady. 890

Q. How about the other side of Broadway? A. Carriages get right into the Third Avenue tracks—wise drivers—and follow a car right along.

Q. And after they get beyond that where do they go? A. Beyond where?

Q. Beyond here? A. All the way to Harlem you can go.

Q. Down town I mean? A. Well, Nassau Street or William Street.

Q. Are those streets that are crowded? A. Not so much as Broadway, and more direct too.

Q. Then Broadway is more crowded than any of these side streets? A. Usually.

Q. What part of Broadway is usually most crowded? A. At what time? 891

Q. What part of Broadway? A. From the Astor House to Cortlandt Street.

Q. At what time of the day? A. Well, morning and evening; in fact, all day; if there is any crowd it is generally on the corner of Fulton Street and Broadway, and the stages make most of that.

Q. Are there more stages there than there are other vehicles? A. No; but they drive right up into Broadway and right across Broadway, and they take up the whole room.

Q. Your idea evidently is they are trying to obstruct travel? A. They are a nuisance, necessarily.

Q. Do you think they do it on purpose? A. No, sir.

Q. That is a part of the condition of being a stage?

892 A. I think they ought to be compelled to cut their pole off two or three feet which runs out in front of the horses.

Q. But whatever inconveniences there exists in a stage, you do not put it on the drivers at all? A. Well, sometimes the drivers are very stubborn and ugly, and obstruct the street unnecessarily.

Q. You have said, in effect, that a railroad on Broadway would help the value of property all the way up town? A. Yes, sir.

Q. The saleable value? A. Yes, sir.

Q. And also the rental value? A. Yes, sir.

Q. And increased the value of the tenants who had leases along the street? A. Yes, sir.

Q. Increased their property? A. Yes, sir.

893 Q. Increased the value of the security that was on mortgage? A. Yes, sir.

Q. Increased the value of property above Fourteenth Street on Broadway? A. Yes, sir.

Q. How far up? A. Well, of course the further up the less it would help it; but if they ran cars up Broadway to connect with Fourteenth Street—a continuous track right up Broadway, it would take a great many people up to Fourteenth Street and Broadway that don't go that way now.

Q. Would it increase the value of property up above Thirty-fourth Street on Broadway? A. No, sir; I don't think it would necessarily.

894 Q. Would it above Twenty-third? A. It might affect it as far up as that, because they would have the passengers right from the Broadway cars.

Q. Anything that takes passengers by a place, as I understand you, helps the value of property? Yes, sir; the easier of access you make property the more valuable it is.

Q. And that is the way in which you think it would help all these kinds of property, by making it easier of access? A. Yes, sir; and the reason I make this statement is that I have had actual conversations with many parties renting property on Broadway, and they told me that if the owners of property did not give their consent to a railroad on Broadway they would not renew their leases because they felt their property was running down.

Q. Where were those people? A. One was a large silver manufacturer up in Bond Street, and the property is owned by a man by the name of Bodine,



and he didn't give his consent, and the tenant told him he wouldn't renew his lease. 895

Q. You have stated that you made certain propositions, or certain statements to the parties of whom you got consents? A. Yes, sir.

Q. About a cable road? A. Yes, sir.

Q. And you have stated that you would not have obtained them if you had not given them an assurance—if you had not told them what kind of a road you were going to build; why was that? A. Well, they preferred the cable road or electric motor.

Q. And didn't want any horse road? A. No, sir.

Q. You have said, on being questioned with reference to certain conditions to the grant by the Board of Aldermen, that you didn't think those were the conditions on which it was granted; what did you mean by that? A. Well, I didn't remember the \$40,000 yearly consideration. 896

Q. No; but before them you referred to various conditions which you thought should be attached to the consent? A. Yes, I didn't believe in granting to any corporation the right to build a road on Broadway without the condition of carrying passengers to the Harlem River and Kingsbridge, and giving them transfer tickets.

Q. The cable road, or the Broadway Railroad Company, was willing to comply with those conditions, as I understood you? A. So they told me.

Q. Do you know that the action of the Board of Aldermen was after a veto by the Mayor? A. Yes, sir. 897

Q. You were familiar with the proceedings by which this same Broadway Surface Railroad Company once before got the consent of the Board of Aldermen? A. Yes, sir.

Q. And you were the originator of public meetings, or one public meeting, expressing the disapproval of the people in regard to that action? A. Yes, sir.

Q. And did all that you could under the honest belief that in some way or other it was not only wrong, but corrupt? A. Yes, sir.

Q. Didn't you think so? A. Yes, sir.

*By Mr. Scribner:*

Q. You didn't originate any public meeting, or make any speeches against the consent which was

898 finally granted by the Common Council, did you?  
A. No, sir.

Q. That is the \$40,000 resolution? A. No, sir.

Q. You didn't do anything to incite any public emotion against the carrying out of that consent, did you? A. I have not yet.

Q. And don't mean to, do you? A. Well, I am opposed to any franchise being granted on Broadway unless the conditions are attached.

Q. Unless the conditions that you individually proposed should be attached? A. No, that the public demand.

Q. Do you mean the conditions that were attached by the Board of Aldermen in the passage of the last resolution? A. No.

899 Q. Have you read those? A. Yes, sir.

Q. Do you know that they comprehend altogether the payment by this Company into the City Treasury of probably \$90,000 to \$100,000 a year? A. I know that, but that amounts to nothing compared with what the condition should be to the public.

Q. Compared with the conditions that you would like affixed? A. Yes, sir.

Q. But you understand, don't you, Mr. Fuller, that the Legislature has confided this matter to the Board of Aldermen and not to Mr. Fuller? A. I understand that; and if the Board of Aldermen—

*Mr. Scribner:* Excuse me, Mr. Fuller, you have answered my question.

900 *By Mr. Beaman:*

Q. Answer me what you were going to tell Mr. Scribner? A. If the Board of Aldermen had acted honestly and in the public interest, they would not have granted any franchise to any company, without the conditions, when there was a company ready to carry out the conditions that I wanted.

Q. You were not personally in favor of the grant that they gave to the Broadway Surface road? A. No, sir; I opposed it.

Q. Are you still opposed to it? (No response.)

*By Mr. Scribner:*

Q. All the conditions that you would attach are that for a five cent fare the company should carry passengers up to near Albany? A. Yes, sir.

Q. But the road that you say would be willing to

undertake that formidable undertaking never made application to the Common Council in the form prescribed by the Law of 1884, for its consent? A. Whether they have submitted it to the Board of Aldermen or not, I don't know; I know it was in all the papers and was submitted to the Mayor. 901

Q. They never put it in any binding form that they were willing to carry passengers way up towards Albany or way up towards Kings Bridge, for five cents, and transfer people all over the city, did they? A. I don't know; strike out Albany, they never——

Q. Kings Bridge, that is way up towards Albany, isn't it? A. Yes, sir; Twenty-third Street is towards Albany.

Q. Well, Kings Bridge is pretty well up on the way; now, Mr. Fuller, did it ever occur to you that there was a little practical difficulty in carrying out this scheme in getting over tracks of other railroads? 902

A. Not a particle.

Q. You would ride over their tracks? A. Thousand and feet.

Q. It would take a good deal more than a thousand and feet over the Broadway and Seventh Avenue tracks to carry out your scheme between Fourteenth Street and Central Park? A. Don't propose to go up on that.

Q. What were you going to do; go underground? A. Broadway to Fourteenth Street, and down through Fifteenth Street, and up Fifth Avenue.

Q. Fifth Avenue was your route? A. Yes, sir; 903 and Forty-second Street.

Q. That was your scheme? A. Yes, sir.

Q. Did it ever occur to you that there would be rather a formidable difficulty in inducing the other street railroad companies in town to accept your transfer tickets? A. Not insurmountable difficulties.

Q. You didn't think they would be insurmountable? A. No, sir.

Q. But certainly your scheme would require a consent on the part of all existing roads in the city to accept these transfer tickets? A. No, sir; we proposed to build roads to carry the people ourselves.

Q. If other roads would not consent, you proposed to build roads yourselves? A. We could do that under the Rapid Transit Commission—we had roads laid out.

904 Q. Won't you tell me, not only for my private and professional information, but for the information of the Commissioners, by what laws or statutes of the State of New York, you would expect to carry out your scheme? A. Under the Rapid Transit Commission of 1875; the routes have been laid out and the Courts have decided—

Q. No, no, don't tell me that; I ask you about the statutes; I know what the Courts have decided; I don't want you to inform me about that; but I simply ask you under what statutes of the State of New York, you expect to carry out this philanthropic undertaking? A. I answered the Rapid Transit Act of 1875.

905 Q. Don't you understand that every provision of that kind, under which any such scheme could be put through, is repealed by the Act of 1884? A. No, sir.

*By Mr. Beaman :*

Q. You were going to tell him something more about this Rapid Transit Act? A. Well, I don't propose to tell you lawyers too much, because you will take advantage of me.

Q. We are all getting something out of you: what I want to know—Mr. Scribner only wants to know the statute under which you wanted to build the road—I want to know the statutes and decisions under which you were going to build your road?

906 *Mr. Scribner :* Now, if you are going to give decisions, just tell us the title of the case and where we can find it; I don't want you to tell us what the decision is.

*Mr. Beaman :* You understand there are certain statutes and certain decisions which give you that right? A. Yes, sir.

*Mr. Scribner :* That is his opinion.

*The Witness :* Yes, sir.

Q. And the statute you refer to is what is known as the Rapid Transit Act of 1874? A. Yes, sir; 1875, I think.

JANUARY 17, 1885.

*Mr. Ashbel Green :* I desire to say to the Commissioners, on behalf of the Equitable Life Insurance Society, which is the owner of the block of land on the east side of Broadway, between Cedar and Pine

Streets, and of a considerable portion of the blocks 907  
 on Pine and Cedar Streets—in fact all of that with  
 the exception of the land on the west side of Nassau  
 Street—that the Society are in favor of the granting  
 of this application. I don't know that it is needful  
 for me, at this stage of the proceeding, to say any-  
 thing more than that. If it becomes necessary for  
 me to enter into any discussion, I suppose, with the  
 formal entrance of my appearance, I will be given  
 the opportunity so to do.

*Commissioner Harris:* Yes, sir.

(Mr. A. B. Miller appeared and stated that he re-  
 presented the New York Board of Trade and Trans-  
 portation, and requested an adjournment for at least  
 two weeks to give the parties for whom he appeared  
 an opportunity of presenting such testimony as they 908  
 saw fit to produce in regard to this matter.)

*Commissioner Harris:* Any other appearances?

*Mr. Thomas P. Wickes:* If your Honors please, I  
 appear to represent the Mayor, Aldermen, and Com-  
 monalty of the City of New York. I cannot say  
 what steps we may hereafter take, if any, but I am  
 requested by his Honor, the Mayor, to enter an ap-  
 pearance and to ask for such an adjournment as will  
 enable him to consult the Law Department and take  
 such steps as he may deem best, and as we may ad-  
 vise him in this proceeding. You have doubtless ob-  
 served in the morning papers the communication  
 addressed by his Honor, the Mayor, to the Law De-  
 partment, in which he asks us to appear—for what 909  
 purpose I am not prepared to say. I will ask to  
 have my appearance noted, and ask a reasonable  
 adjournment.

*Mr. Scribner:* We do not object, as a matter of  
 course, to any formal appearance from the Corpora-  
 tion Counsel's office, but we shall object to any ar-  
 gument or evidence on behalf of the Mayor, Alder-  
 men and Commonalty in opposition to the petition,  
 for the reason that by Section 3 of Chapter 252 of  
 the Laws of 1884, under which this Commission is  
 sitting, it is provided that "in any city the Common  
 Council acting subject to the power now possessed  
 by the Mayor to veto ordinances, and in any village  
 the Board of Trustees, shall be the local authorities  
 to give all the consents required under this Act in  
 respect of such city or village." Under that pro-

910 vision of law, the Common Council passed and adopted, notwithstanding the objections of his Honor, the then Mayor of the city, on the fifth day of December, 1884, the resolution of the Common Council, which was put in evidence at the first meeting of the present Commission. That resolution was passed subject to the condition that an obligation of acceptance should be executed by the Broadway Surface Railroad Company accepting the terms and conditions of the resolution in question, and likewise subject to the condition that a bond in the penalty of \$100,000 should be executed by the Broadway Surface Railroad Company, to be approved as to form and sufficiency of sureties by a Justice of the Supreme Court. That obligation of  
 911 acceptance has been executed, and the bond has been executed and delivered to the Comptroller, as required by the condition. That bond and obligation have been put in evidence, and I suppose that disposes of the question as far as the city is concerned.

*Mr. Wickes:* I suppose such testimony, if any, which may be offered hereafter by the city can properly be objected to when it is offered. All I ask the Commissioners to do at present is to note our appearance and grant us an adjournment for consultation.

*Mr. Guthrie:* We would like to have our appearance noted on behalf of the Adams Express Company and the National Express Company—Seward, DaCosta & Guthrie. The Adams Express Company own 59 and 61 Broadway, having a frontage on Broadway of 75 feet, and 684 Broadway, having a frontage of 35 feet; and the National Express Company own No. 65 Broadway, having a frontage between 35 and 40 feet.  
 912

Thereafter discussion took place before the Commission by the respective counsel as to the interpretation of the rules adopted by the Court, after which discussion the presiding Commissioner stated as follows:

So far as the facts are concerned, the rule is clear enough. As to that, the petitioners will present their facts, and their own expert testimony, and the opposing parties will present theirs, and then the petitioners will have a right to reply, the rule says, to any objections. Well, "objections" there means,

of course, something equivalent to an affirmative 913  
 defense on the part of a defendant in a Court of  
 Law, not the mere testimony of the opposing par-  
 ties denying the affirmative case of the petitioners.  
 Of course, that will be open, as has been suggested,  
 to the discretion of the Commissioners, which a  
 Court always has on cause shown. They will have  
 a right under such circumstances to let up the rule.  
 But that is the rule that we laid down, and that is  
 what it means, as I understand it.

NEW YORK, January 20th, 1885.

*Mr. Scribner* : If the Commissioners please, I have  
 now a certified copy—that is, a copy certified by the  
 Comptroller—of the bond and obligation of accept- 914  
 tance that have been previously put in evidence. I  
 desire to substitute those for the ones that are now  
 on file.

*Commissioner Harris* : Very well.

*Mr. Scribner* : We desire to put in also, on behalf  
 of the petitioner, an agreement dated the 1st day of  
 August, 1884, made between the Broadway and  
 Seventh Avenue Railroad Company and the Broad-  
 way Surface Railroad Company. This being an  
 original paper that we would like to keep, I will ask  
 to read it and let the stenographer take it down, so  
 that it will appear on the record.

*Commissioner Harris* : Yes.

*Mr. Scribner* thereupon read said agreement as 915  
 follows :

“ This Agreement, made this 1st day of August, in  
 the year one thousand eight hundred and eighty-  
 four, between the Broadway and Seventh Avenue  
 Railroad Company, of the City of New York, party  
 of the first part, and the Broadway Surface Railroad  
 Company of the City of New York, party of the  
 second part, witnesseth :

“ That in consideration of the mutual covenants,  
 benefits and advantages contemplated, the said par-  
 ties have covenanted and agreed, and by these  
 presents do covenant and agree with each other, as  
 follows, to wit:

“ *First*.—The said party of the second part shall  
 use all proper and reasonable effort, and exert itself  
 to the utmost, to procure the authority to lawfully  
 construct, and when such authority shall have been

916 procured, shall construct, operate and maintain upon the surface of Broadway, between Fifteenth Street and the Battery, in the City of New York, a street surface railroad, with double tracks, and such switches, sidings, turn-outs, turn-tables and suitable stands as may be necessary for the convenient working thereof.

917 "Second: From and after the construction of the said railway, the party of the first part will permit and allow the cars of the party of the second part to run over its tracks from Fifteenth Street to the Central Park, and the party of the second part will permit the cars of the party of the first part to run over its tracks to the entire extent thereof, the common right of use being the consideration of such common enjoyment; or if for any reason, such common use may not be practicable, then, and in that event, each party hereto will permit any passenger upon its route, bearing a transfer ticket issued by the other party hereto, or under its authority, to pass and ride, without charge, over the tracks above specified; and each of the parties hereto will issue to every passenger desiring the same, without charge, such a transfer ticket entitling such passenger to a continuous ride, without charge, over the whole or any part of said route.

918 *In witness whereof*, the parties hereto have hereunto set their seals, and have caused these presents to be executed by their several presidents, the day and year first above written.

(Signed), J. W. FOSHAY, *President.*

(Seal of the B'way & 7th Ave. R. R. Co.)

J. A. RICHMOND, *President.*

(Seal of the B'way Surface R. R. Co.)

Sealed and delivered  
in presence of

HENRY A. ROBINSON.

And the said instrument is duly proved before  
HENRY A. ROBINSON,  
*Notary Public.*

Will you mark that please, Mr. Clerk?

*The Clerk*: Yes, sir.

*Mr. N. B. Adams*: Before these gentlemen pro-



ceed, may I say to the commissioners that Mr. 919  
Scott Lord sends the following:

"LAW OFFICES OF LORD, LORD & ROBERTS,  
261 Broadway.

BEFORE THE SUPREME COURT COMMIS-  
SIONERS.

---

IN THE MATTER  
of  
THE APPLICATION OF THE BROAD-  
WAY SURFACE RAILROAD COM-  
PANY, to lay its road in Broad-  
way.

---

I appear in behalf of the Broadway, Lexington 920  
and Fifth Avenue Railroad Company, in opposition  
to the said application.

SCOTT LORD,  
*Of Counsel."*

BYRAN G. MCSWYNY, called as a witness on the  
part of the petitioner, being duly sworn, testified as  
follows:

*By Mr. Scribner :*

Q. Mr. McSwyny, where do you reside ? A. 497  
Pearl Street.

Q. In this city ? A. Yes, sir.

Q. And what business do you follow ? A. The  
boot and shoe business. 921

Q. How long have you been engaged in business  
in the City of New York ? A. Nineteen years.

Q. Where is your present place of business ? A.  
240 Broadway.

Q. How long have you been at No. 240 Broad-  
way ? A. Three years, about.

Q. No. 240 Broadway is just opposite the City  
Hall, here, is it not ? A. Right opposite Mail Street.

Q. Right opposite Mail Street ? A. Yes, sir ; it  
is one door from the corner of Park Place.

Q. That is, it is one door north of the corner of  
Park Place ? A. Yes, sir.

Q. Previous to that, Mr. McSwyny, where was  
your place of business ? A. No. 419 Broadway,  
corner of Canal Street.

Q. That is, on the corner of Broadway and  
Canal Street ? A. Yes, sir.

922 Q. What did you move from Canal Street and Broadway down to your present place of business for? A. Well, because I desired to improve my location; another thing was, I was necessitated to leave there.

Q. In consequence of what? A. Well, I had taken No. 240 Broadway at a time when the place was leased to another party, while I still occupied the premises at the corner of Canal Street and Broadway; I had secured No. 240 Broadway at least nine months before I left the corner of Canal Street and Broadway; I always looked upon the new location as more desirable, because it was easier of access. I had a large trade down around Wall Street, Broad Street, and Pine Street, and around that way, and  
923 in coming on the elevated road up to my place at Canal Street they would have to get off at Grand Street; and I would often meet with the remark that it was inconvenient for them to come there on account of not being able to make connection there to come down town. I was not down town far enough, nor was I up town far enough, and I found great advantage in coming down, on account of the elevated road switching in there, and having a station at Park Place right convenient to Broadway.

Q. In your opinion, as a long resident of New York, and a tenant of property on Broadway, would the construction and operation of a horse railroad on Broadway, between the Battery and Union Square, tend to the public convenience? A. I am strongly  
924 of the opinion that it would.

Q. Now, what do you base that opinion upon, Mr. McSwyny? A. All people who desire to reach a given point take the first station on an elevated railroad; they pass, perhaps, the station which is most convenient to the store they intend to reach; they pass on, on that train, until, perhaps, they reach home; if they were aware that there was any mode of conveyance which would take them conveniently to any particular point which they wanted to reach in the retail business portion of the city, I am confident that a great deal would be realized from that very consideration—if there was an accommodation by which they could reach that place, on a car, without inconvenience.

Q. Then, in your opinion, the construction and

operation of a surface railroad on Broadway would 925  
not only promote the public convenience but would  
tend to the improvement of Broadway property? A.  
I should consider it so.

*Cross-examination by Mr. Beaman :*

Q. Are you in the retail boot and shoe business,  
Mr. McSwyny? A. Yes, sir.

Q. Occupying the basement of No. 240 Broadway?  
A. Yes, sir.

Q. How long have you been there? A. Three  
years or thereabouts.

Q. Where were you before that. A. 119 Broad-  
way.

Q. How far up is that? A. That is on the corner 926  
of Canal and Broadway.

Q. Canal and Broadway? A. Yes, sir.

Q. On which side of the street? A. On the north-  
west corner.

Q. How long have you been there? A. Fifteen  
years or over.

Q. Where had you been before you went there?  
A. In Pearl Street.

Q. Whereabouts in Pearl Street? A. 497.

Q. Where is that? A. That is between City Hall  
Place and Park Street.

Q. How long had you been there? A. I was  
there about twelve months.

Q. Had you been anywhere else before in New 927  
York? A. Yes, sir.

Q. Whereabouts? A. I occupied premises at 318  
Pearl Street, and I also manufactured in Brooklyn.

Q. You are yourself a shoemaker? A. Yes, sir.

Q. That is, you are capable of making shoes your-  
self? A. Yes, sir.

Q. You began your business in that way? A.  
Yes, sir.

Q. Where do you manufacture your shoes? A.  
I have no particular place to manufacture; I give  
out my work, and each man works at his own prem-  
ises, at his own home.

Q. You give it out to various men, who bring it  
back to you when finished? A. I have all the  
stock cut, and all that, in my premises; but I get  
the work made outside.

Q. By various men who do it wherever they  
please? A. Yes, sir.

928 Q. About how many men have you employed?  
A. Somewhere in the neighborhood of fifteen or sixteen men at the present time.

Q. Where do your customers mostly live, or what class of customers do you have? A. Well, sir, I have got trade all over the United States; I send work to San Francisco, to Dakota Territory, and all over the country.

Q. Do you make any specialties in shoes which give you this wide reputation? A. Yes, sir.

Q. What are they? A. I was the party who invented—got up—the pedestrian shoe, with a seam through the centre; I was the first person who ever got that up (and a patent last besides), which enabled those men that I made them for to go six  
929 days without a blister on their feet; and on that alone I got my fame.

Q. That is on your improved shoes? A. Yes, sir.

Q. And are those improved shoes the principal shoes you manufacture? A. No, sir; I make all styles of shoes; I got up another specialty besides, for which I got the first prize medal for the last four years at the American Institute—a thoroughly waterproof shoe, the only one in America.

Q. Has your business been increasing much within the last fifteen years? A. Considerably.

Q. Was it ever as good as it is now? A. It has been.

930 Q. When? A. Well, it was as good some four years ago.

Q. It was better at Canal Street than it is now? A. No, sir; it was just about as good; for two years I had up a regular boom on that pedestrian shoe which I got up.

Q. And it has been keeping up about the same? A. Oh, yes; it is more uniform—my trade now is more uniform.

Q. Then for the last six years you have had a generally good, uniform trade. A. Yes, sir; a good, uniform trade.

Q. And no falling off that you have noticed? A. No, sir; none at all.

Q. Have you got a good stand now? A. Just about the best stand I know of; just as good as I could locate in Broadway; I don't know of any better place.

Q. Right about the centre for your business? A. 931  
Yes, sir; right about the centre.

Q. Do you sell many of your goods to men that come down town in the course of their business?

A. I do; yes, sir.

Q. You don't know of any better place in town that you would select? A. No better place, really.

Q. Did you, when you were at Canal Street, ever think of going further up town? A. I did.

Q. Why didn't you go? A. Why did I go?

Q. Why did you not go? A. Well, on mature reflection, and on an investigation of the matter, I concluded that I could do better down town; I looked upon it in this way, that if I moved up town to do a retail business, I would have to keep open until about eleven o'clock at night; where I am I do my 932  
business in about four hours. I surveyed the whole matter, and I came to the conclusion not to go up town.

Q. You are perfectly satisfied, then, with your place? A. Yes, sir.

Q. And you wouldn't move away if there was no horse railroad put there? A. No, sir.

Q. The elevated road, in your judgment, has that hurt the business on Broadway? A. Well, I don't believe it hurt me any where I am, but I know it hurt me at the corner of Canal Street and Broadway, because several gentlemen remarked to me that before they had the accommodation of travel on the elevated railroad they generally walked up as far as Fourteenth Street; but that since that had got into the habit of going into an elevated train at the first station they came to, and skipping along; before the elevated railroad was built they used to walk up, and stop in my place, and make a friendly call, and then go home. 933

Q. You speak of it as "skipping along"? A. Riding along.

Q. That is, the elevated road has taken a good many foot passengers from Broadway? A. That is it.

Q. By reason of the facilities it affords to people, it being an easy way of getting home, as I understand? A. Yes, sir.

Q. Do you think that more people would ride up Broadway if a horse-car line were upon it than now

934 ride up in the omnibuses? A. I don't understand you; more ride up town?

Q. Do you think more people would ride up Broadway, if there were horse-cars on Broadway, than now ride up in omnibuses? A. That is something I could not say; that is a matter of taste on the part of the people to be accommodated.

Q. You haven't any opinion about it? A. No, sir; I wouldn't give any opinion on that.

Q. Would you move your store back to Canal Street and Broadway if a horse railroad were put upon Broadway? A. No, sir; I have no control of that.

Q. But if you could get it, would you want to go back there? A. That is something that I couldn't  
935 give an opinion upon; I might perhaps desire better accommodation, or something of that kind, on Broadway, than I have where I am.

Q. Then, if I understand you, you are not proposing to change your place of business, whether there is a horse railroad put on Broadway or not? A. No, sir.

Q. Tell us again, if you can, what benefit you think a horse railroad on Broadway would be to the property on Broadway? A. Because it would facilitate travel, make it more convenient, make certain places easy of access which people desire to reach.

Q. The question is, whether any more would go up there than now go, if it was made easier? A.  
936 Well, it is my judgment that it would tend in that way—for the benefit of retail business.

Q. In your judgment it would tend to the benefit of retail business on Broadway? A. Yes, sir.

Q. Would it do any other good that you know of? A. Well, sir, I really think it would do other good.

Q. What other good? A. From the obstruction which that would make to the traffic on Broadway, the city authorities would probably make some provision in regard to accommodation in the way of general traffic, because Broadway surely was never intended and neither should it be intended for trucks; there are other streets which the city authorities should entirely set apart for that particular traffic; the city authorities ought to do that, and I believe that if there was not sufficient accommoda-

tion they would resort to something in that way— 937  
 in the way of using Centre Street, or Elm Street—  
 widening a street, and that it give a wonderfully  
 grand appearance to Broadway if that obstruction  
 was taken off of Broadway; if we could get the  
 trucks off of Broadway, by having another street  
 set apart for them, it would be a good thing; that  
 is all the opinion I have on that matter.

Q. Your idea is, then, if I understand you, that if  
 there was a horse railroad on Broadway it would be  
 so blocked up that the City would have to do some-  
 thing to drive off the trucks? A. They ought to.

Q. Suppose they did not, what would happen?  
 A. Well, that is something that I cannot give an  
 opinion upon.

Q. What do you think would be the situation of 938  
 Broadway if there was a railroad there and just as  
 many trucks there, day by day, as there are now?  
 A. My opinion is they would try to make the best  
 mode of conveyance they could; they should take  
 back streets.

Q. Who? A. The trucks.

Q. Why haven't the trucks just as good a right to  
 Broadway, they belonging to private people, as a  
 monopoly—a horse railroad—has? A. Certainly  
 they have; I think there should be a provision  
 made to give them better accommodation than they  
 have got.

Q. You don't know of any better place, do you? 939  
 A. This city is rich enough to have a certain street  
 widened for that purpose.

Q. You don't know of any place that now exists  
 that is better for truckmen, running north and south,  
 than Broadway? A. Well, for instance, Elm Street  
 could be widened.

Q. As it exists to-day, you don't know of any  
 better place? A. No, I do not.

Q. You don't know where the truckmen can go  
 unless the City makes some place for them? A.  
 No, sir; only take the best chance they get.

Q. And they should be crowded off whenever you  
 could put them anywhere else? A. Yes, sir.

Q. And horse-cars go through and drive them  
 away? A. Yes, sir.

Q. Do you think that it is to the public advant-  
 age of the city to give the exclusive right to a mon-

940 opoly to carry certain people up Broadway, and drive off a lot of other people who are making a living by driving trucks on Broadway? A. No, sir; I am not an advocate at all of monopoly.

Q. You are against monopoly? A. I am not an advocate of monopoly; I wouldn't come here at all on that matter; I don't look upon the monopoly question; I look upon what I was called upon to come here for, simply to say what I regard the advantages to Broadway would be by the construction of a railroad on it.

Q. Do you think a horse railroad on Broadway, with tracks fifteen feet wide, would be practicable in view of the truckage that now goes on Broadway, and the travel that now goes on Broadway? A. Well, that is another question; I would look upon that as a great obstruction to travel unless some provision was made as I stated before should be made.

Q. But unless there was some such provision made you wouldn't consider it practicable, would you? A. No.

Q. Why not? A. Well, the streets would be blocked all over, would be crowded all over with trucks and every other encumbrance, unless there was some provision made, as I stated; New York is so much on the increase that there will be more trucking every year; it is on the increase every

942 year.

Q. Trucking is quite necessary to business, is it not? A. Certainly, sir; very important.

Q. Couldn't get along without it? A. I have a little share of that sometimes myself.

Q. How much? A. Well, men have to get to my place sometimes with boots and shoes.

Q. Where do they bring them from? A. Oh, from several places; from Newark, from Lynn, and other places.

Q. And they are brought in trucks? A. Yes, sir.

Q. And unload them right in Broadway at your store? A. Yes, sir.

Q. And a horse railroad would interfere with that, wouldn't it? A. Well, I don't think it would interfere much, because they could turn around the corner.



Q. Unload them around the corner? A. Yes, 943  
sir.

Q. You are pretty near the corner? A. Yes, sir;  
just one door from the corner.

Q. And then they would unload them on the corner and bring them up on the sidewalk and take them in? A. Yes, sir.

Q. That would interfere with the foot passengers on the sidewalk, but still the horse-cars could get along; that is your idea about it, is it? A. Well, I don't think it is necessary for me to go into those matters; that is something that I could not thoroughly explain—in regard to the advantage or disadvantage about it; I don't think it would be an infringement, the short time they are in front of my place. 944

Q. Your business is a retail business, mostly, I suppose; you don't have many heavy loads there? A. No, sir.

Q. Do you walk around the city much yourself? A. Considerably.

Q. And you have noticed the condition of Broadway and its crowds? A. Yes, sir.

Q. And these crowdings of trucks? A. Yes, sir.

Q. Since you have been on Broadway have you noticed a considerable increase in the amount of trucking? A. Yes, sir.

Q. Do you know what occasioned that? A. The increase of business. 945

Q. Does much trucking come up, near where you are, on the side streets? A. Yes, sir.

Q. How about when you were at Canal Street? Was there a good deal of trucking through Canal Street, east and west? A. There always has been, for many years.

Q. That is a great thoroughfare, really? A. Yes, sir; a great thoroughfare; I have often seen the cars blocked there for an hour.

Q. What, the cars on Canal Street? A. Yes, sir.

Q. On that little short line? A. Yes, sir; all around there, for about from a half an hour to an hour; I have seen it in Canal Street, as far back as ten and twelve years ago.

Q. Those where blocked simply by wagons coming east and west, were they not? A. Yes, sir.

Q. What time of day was that? A. (Continuing)

946 east and west, north and south —up Broadway, down Broadway, and each way upon Canal Street.

Q. Where have you seen this block? A. Right on Broadway, from corner to corner there—on Broadway and Canal Street.

Q. All chock a-block? A. Yes, sir; all chocked up there; I have seen that very often.

Q. What do you mean by very often; how often? A. I have seen it over twenty times.

Q. Lasting half an hour or more? A. Well, it may not have been quite an hour; when people are impatient, it seems long; I never took a note of that; I have known that I have gone up to the corner of Howard Street and Broadway to cross over, to get through; and I have often seen others

947 do the same.

Q. Had to go way up there? A. Yes, sir; just to get across to get around the crowd.

Q. What time of day was this when these blocks were likely to occur? A. There was no particular time.

Q. Any time? A. Yes, sir; I have seen it at various hours during the day.

Q. In what season have you seen that particularly? A. More in Winter than in Summer.

Q. Why was that? A. Well, there was more travel; if there was a heavy snow or anything of that kind there were more trucks.

948 Q. Then Broadway is worse in Winter? A. Yes, sir; worse in Winter.

Q. Are there more trucks there in Winter than at other times? A. That I couldn't tell you exactly.

Q. But you say Broadway there was all chock-a-block? A. Yes, sir.

Q. What constituted the block—what besides omnibuses? A. Wagons; they ranged all the way for about a half a block on each side, from the east side of Broadway at Canal Street, to the west side of Broadway, and you might say extended from Lispenard Street, on the south.

Q. And were they mostly loaded wagons and trucks? A. Mostly loaded wagons.

Q. Loaded with goods either for delivery from stores, I suppose, or with goods to be delivered at different stores? A. I suppose so.

Q. Have you seen many blocks down where you

now are? A. No; there is no such traffic down 949  
where I am; nothing at all like it.

Q. Isn't so much traffic? A. No, sir.

Q. Isn't there so much traffic, in your judgment,  
right down here at City Hall Square as there is up  
at Canal Street? A. No, sir; there is not by any  
means.

Q. Not so much of any kind of wagon travel, as  
I understand it? A. No, sir.

Q. Is your store situated so that you can see from  
the windows out on Broadway? A. Yes, sir; my  
store is almost on a level with Broadway, two steps  
down.

Q. You are in a good position to observe? A.  
Yes, sir.

Q. When you were in Canal Street, what position 950  
did your store bear relatively to the street? A. I  
was lower down.

Q. But you could see out? A. Oh, I could see  
everything outside.

Q. And this testimony that you have given about  
the blockading there is from your own knowledge  
and experience in the years you were there? A.  
Yes, sir.

Q. What have you noticed in regard to the  
changes that have taken place in the business on  
Broadway since you have been on it? A. Broad-  
way has become now more of a centre for wholesale  
business than for retail business; when I first got on 951  
to Broadway we used to do a night trade up to 10  
o'clock at night, that is, we did that for about seven  
years; well, sir; the wholesale business was then  
moving up-town, and took the place of the retail  
business, and all the retail stores along Canal Street  
(and Canal Street was at one time quite a place for  
retail stores), and the retail stores in the vicinity  
where I was located, and there were some very large  
retail businesses in that vicinity, and I could men-  
tion names of several if you should desire, then  
moved up-town, and they carried the retail trade up-  
town, and then there was no more night trade on  
Broadway, there hasn't been for the last eight or ten  
years; and that made a difference to me, as it car-  
ried away the retail business.

Q. And the wholesale business came in its place?  
A. Yes, sir; came in its place; and the retail busi-

952 ness is generally prosperous where people can reach it the most conveniently ; I have often talked that matter over with men in business on Broadway, did so years ago.

Q. When you were first in business on Broadway you used to keep open nights ? A. Yes, sir ; to ten o'clock.

Q. How long since you have kept your store open at night on Broadway ? A. Well, I partially keep it open now, but not so much, only to give accommodation to my working men, who come in to receive work or deliver their work ; but on Saturday nights I have kept the place open, but within two years and a half there was really no business going at all Saturday nights.

953 Q. But for the last seven or eight years you have not really kept your store open every night ? A. No ; not every night ; down Broadway we close early ; our business is over at 6 o'clock.

Q. And at Canal Street, what time did you use to close ? A. Well, we used to close at Canal Street about 9 o'clock.

Q. That is when you kept open evenings ? A. Yes, sir.

Q. But when you gave up keeping open evenings, what time did you close ? A. Seven o'clock, or half past seven.

954 Q. What has become of the parties that used to buy these goods on Canal Street, near Broadway — that traded with these large retail houses ? A. That would be a rather difficult question to answer.

Q. I suppose a good many are dead ? A. Yes, sir.

Q. But what has become of the custom that used to trade there ; where is it now ? A. Well, you can infer ; trade will concentrate at one particular point, but you cannot expect that all of that trade will remain ; if I had all the customers that deal with me in twelve months, and keep on with the increase in the same proportion, retaining them all, I suppose I would have a place as large as A. T. Stewart's ; I notice that some men drive around a great deal.

Q. The trade of buying shoes is more or less wandering around ? A. Yes, sir ; a good deal ; with the exception of some people.

Q. And there are other places where they buy or think they buy good shoes besides your place? 955  
A. Yes, sir.

Q. And of course you are trying to be in the best place? A. Yes, sir.

Q. And you think you have got it to-day? A. Yes, sir.

Q. And you are not in favor of any monopolies, as I understand it, if you know it? A. No, sir.

Q. Do you own any real estate in the City of New York? A. No, sir.

Q. Where do you live? A. Pearl Street.

Q. You walk to your place of business, I suppose, every day? A. Yes, sir.

Q. Do you often go up town? A. Yes, sir.

Q. For what purpose? A. Oh, various purposes. 956

Q. Business purposes? A. Yes, sir; business purposes.

Q. How do you usually go up? A. I often walk up and frequently ride.

Q. When you ride up how do you go? A. On the elevated road, generally; sometimes on a surface road, but more generally on the elevated road.

Q. Why on that road? A. I always like to travel quick.

Q. And that will take you up quicker than a horse railroad to any place above Fourteenth Street? A. Yes, sir.

Q. You don't own any stock in elevated roads? 957  
A. No, sir.

Q. Or in horse railroads? A. No, sir.

*By Mr. Fuller :*

Q. Mr. McSwyny, do you think it would be possible to operate a horse railroad on Broadway at present with the number of stages and trucks that are now on Broadway? A. No, sir; in my opinion it would be a very difficult matter.

Q. It would be a nuisance, wouldn't it? A. Well, it would be a very difficult matter, in my judgment.

Q. Then you don't think that a horse railroad should be built on Broadway until some other provisions are made for the stages and trucks, do you? A. Well, sir, I don't see the necessity of giving an opinion upon that matter.

- 958 Q. You think a Broadway surface horse railroad could not be operated with the present number of stages and trucks on Broadway? A. No, sir; not with the present number.

*By Mr. Scribner :*

Q. Suppose the omnibuses should be withdrawn, Mr. McSwyny; don't you think they make a great deal more obstruction on Broadway than horse cars would make if you took all the stages off? Wouldn't that be all the relief that Broadway requires, in your opinion? A. Well, that is a very difficult question for me to solve.

- 959 Q. Take the stages all out of Broadway, wouldn't that, independent of the street-car question, relieve Broadway of the principal obstruction that exists at the present time? A. Well, now, I may not be able to give you a direct opinion on that; I believe an opinion from me would not be very desirable on this point; I was asked before whether I was in any way interested—whether I owned any stocks or not, etc; well, I own none; but I am a little interested in a friend of mine who has got the omnibuses on Broadway; I would like to see every man get along; I just came here to give my views in relation to the accommodation that would be afforded by street cars, and not to answer in regard to omnibuses or anything else on Broadway, but only just on that particular point.
- 960

Q. You have had no experience in the operation of street cars, yourself? A. No, sir; I have talked to a great many in my line of business, and I have talked to a great many men outside of my business, and they thought that it would be well to have surface cars on Broadway.

Q. One thing you will certainly say, and that is that anything that would tend to improve the facilities for getting up and down Broadway would be of material advantage to the citizens in general and to the property-owners on Broadway, in particular? A. Yes, sir.

Q. You have testified respecting obstructions at Canal Street; Canal Street is the great cross-town thoroughfare, is it not? A. Yes, sir.

Q. That is the street that people use in getting cross-town? A. Yes, sir. 961

Q. From East River on the one side, to North River on the other? Yes, sir.

Q. There are also in Canal Street, on the west side, two lines of cars running, are there not? A. Yes, sir.

Q. The Sixth Avenue Railroad Company runs a line of cars in Canal Street? A. Yes, sir.

Q. And the Eighth Avenue Railroad Company runs a line there, does it not? A. Yes, sir.

Q. And that street west of Broadway is likewise traversed by great crowds of business vehicles of all kinds? A. Yes, sir.

Q. At all hours of the day? A. Yes, sir.

Q. Is there not also a street railroad in Canal Street east of Broadway? A. There was; I think that has been discontinued—one-horse car line. 962

Q. Isn't there a line of railroad operated there still—in Canal Street east of Broadway? A. Oh, that I cannot say, sir; there is one running through Walker and connecting at the junction of Centre or Baxter and Canal; but when I left Canal there was a one-horse car line that was discontinued; whether it was commenced again, I cannot say.

Q. Now, the Sixth Avenue cars do not cross Broadway, do they? A. No.

Q. The Eighth Avenue cars do not cross Broadway, do they? A. No.

Q. And this line of cars in Canal Street east of Broadway did not cross Broadway? A. No. 963

Q. Then the blockades or obstructions that you observed at Canal Street, are not caused in any manner by the street cars, are they? A. No.

Q. It was all caused by the great cross-town travel at that one particular point; is that so? A. That is so, sir.

Q. And nevertheless the stages that were then running, and are still running on Broadway, made their up and down trips, carrying the passenger freight that they do carry, without material interruption; isn't that so? that is so too, isn't it? A. That is so, yes, sir.

Q. When you answer with nods, it does not get down on the stenographer's minutes; now, where you are at present located, you are within a very

964 short distance of the terminus of the Broadway and Seventh Avenue Railroad Company's cars ; are you not ? A. Yes, sir.

Q. And those cars bring passengers to your door or to your shop, do they not ? A. Yes, sir.

Q. That is, those cars are a matter of convenience to people having occasion to come to or in going from your store ? A. I never asked particularly at any time ; I have no object, and no reason —

Q. As a matter of fact you know that those cars are very convenient to your store ? A. Yes, sir ; they are certainly convenient.

Q. And at Park Place and Church Street there is an elevated railroad station, is there not ? A. Yes, sir.

965 Q. Don't you attribute the prosperity that you now enjoy to these means of facilities existing in favor of your customers, which did not exist at Canal Street ? A. No, sir.

Q. Isn't that part of it—the easy means of getting to and from your place ? A. Those are means of facilities, but I cannot attribute it to be the means of my prosperity in my business ; I really consider that wherever I would go, with the business I have, I would be successful in my business anywhere I would locate ; but I have located in the most convenient place to suit my trade ; I cannot attribute anything that way.

966 Q. You don't attribute it to any one thing in particular then, but in selecting a location it is desirable to get a place which is convenient for your customers to get to and from ? A. Certainly.

Q. That is it ? A. Yes, sir ; certainly.

*By Commissioner Harris :*

Q. How often do the stages pass your door—how frequently ? A. The stages pass there every five minutes ; I should say about that—four or five minutes ; I have never had any longer time to wait for a stage.

Q. A stage of some one of the lines passes at least once in five minutes ? A. Three to five minutes, in my judgment.

Q. How many vehicles pass your door every day ? A. That I could not form the least idea of ; it was,



in fact, in waiting for the stages that I formed that opinion as to the length of time between stages ; I never had to wait more than a couple of minutes for a stage when I wanted to travel. 967

AUSTIN G. THOMPSON, called as a witness on behalf of the petitioner, being duly sworn, testified as follows :

*By Mr. Scribner :*

Q. Mr. Thompson, where do you reside ? A. Thirty-sixth Street, in the City of New York.

Q. How long have you resided in the City of New York ? A. Forty-five years.

Q. Mr. Thompson, your business is that of a restaurant keeper, is it not ? A. Yes, sir. 968

Q. Where is your place of business ? A. 292 Broadway.

Q. That is a little above Reade Street ? A. Just above Reade Street.

Q. On the east side of the street ? A. East side.

Q. And you have an extensive business in that line ? A. Pretty fair ; a large business.

Q. And you have been engaged in that same business at that same spot how many years, Mr. Thompson ? A. About twenty four years.

Q. Who is the owner of the building that you occupy there ; who is your landlord ? A. It belongs to the Hemingway estate, in Boston.

Q. You have been familiar during those twenty-four years that you have occupied this place with Broadway, and the character of vehicles that travel it, and the travel on Broadway ? A. Yes, sir ; I believe I have. 969

Q. Will you please tell the Commissioners whether, in your opinion, the construction, maintenance and operation of a street surface railroad in Broadway, between Fourteenth Street and the Battery, would or would not promote the public convenience ? A. As far as I am concerned, I think it would ; I have always been in favor of a Broadway railroad ; I think that a railroad is preferable to stages.

*By Mr. Beaman :*

Q. You say as far as you are concerned it would be a benefit, if I understood you correctly ? A. Yes, sir.

Q. What do you mean by that ? A. Well, I mean

970 to say that it would facilitate my business and make it better; the more conveniences there are in Broadway the more people come there.

Q. Is that all the answer you have to give when you say that you think it would be a public benefit?

A. And not only to me but to others the same way.

Q. What others? A. Everybody in Broadway—retailers.

Q. Every retailer in Broadway you think would be benefited by a horse railroad? A. Yes, sir.

Q. Why? A. Because I think it would draw more people there.

Q. Anybody else be benefited? A. I don't know whether they would or would not.

971 Q. You have not thought of anybody else, have you? A. Well, I have thought of retailers; that is pretty much all.

Q. Have you thought of anybody else? A. Yes, sir; I think lawyers would be benefited.

Q. Why? A. Because it would be more convenient to come that way than any other.

Q. Come where? To your store or to your office? A. To come to your office or to anybody else's office—to come to Reade Street or Chambers Street.

Q. You call lawyers retailers, I suppose, don't you? A. Well, you know that better than I do.

Q. Would anybody else besides lawyers and retailers be benefited? A. Might and might not.

972 Q. You have not thought of anybody else, have you? A. No, sir; I don't know as I have.

Q. How about doctors? A. Well, doctors don't live about Broadway much.

Q. How about truckmen? A. Well, truckmen would go in Broadway anyway whether there was a railroad there or not.

Q. You don't think you could get them off of Broadway? A. No, sir; I don't.

Q. Why not? A. Why, they would rather go there, I suppose; they generally do.

Q. Why would they rather go there? A. I don't know why, but, as a rule, they generally go there.

Q. Don't you think you could get them off of Broadway if you got a horse railroad on there? A. Well, if we could I would certainly be more anxious to have a railroad.

Q. You want to get rid of them on Broadway? A. Yes, sir.

Q. Why do you have any particular grudge

against truckmen? A. Well, they block up Broad- 973  
way.

Q. What do they block it up with? A. Carts.

Q. Loaded carts? A. Loaded carts.

Q. And you think it would be a good thing to block up the artery of New York, do you? A. No, sir, I don't.

Q. Where would you drive them to? A. There are other places for them to go as well as Broadway.

Q. But you say you don't think they would leave Broadway anyway; now, don't, in your judgment, truckmen go where it is best carting for them? A. Yes, sir; I think they do.

Q. And don't you think they will stop where they think it is the best carting for them? A. Yes, sir; most likely.

Q. Don't you think Broadway is the best place for truckmen? A. I think Centre Street is as good as Broadway for a truck. 974

Q. You have never driven a truck? A. No, sir.

Q. Don't you know that there is more trucking on Broadway than on Centre Street? A. Yes, sir.

Q. Don't you know that more goods are delivered on Broadway than on Centre Street? A. Yes, sir.

Q. And more goods taken on trucks up Broadway than on Centre Street? A. Yes, sir.

Q. Where do those goods come from? A. Broadway stores, I suppose.

Q. Broadway wholesale stores? A. Yes, sir.

Q. Aren't you now substantially in the centre of the wholesale dry goods business? A. No, sir. 975

Q. Where is the centre of the wholesale dry goods business? A. Franklin Street, I should say.

Q. And where are you? A. Reade.

Q. And how far is that above you? A. Four or five blocks.

Q. What is the general business going on around you now? A. Retail stores mostly in Broadway, and lawyer's offices and real estate.

Q. Office business? A. Yes, sir; office business, generally.

Q. Around where your restaurant is, it is office business mostly? A. Yes, sir.

Q. How long have you been there? A. Twenty-four years.

Q. What was the business conducted right around you when you first went there? A. Well, it was about the same when I first went there.

- 976 Q. What change has taken place since you went there? A. The dry goods trade all was below me.  
 Q. When you went there? A. Yes, sir; now it is above me.  
 Q. Where was the dry goods business twenty-four years ago? A. It was in Warren Street, Murray Street, Liberty Street, Cortlandt Street, Dey Street and Broadway.  
 Q. Where were the first residences above you on Broadway when you went there? A. The first residences?  
 Q. Yes, I mean where were private dwelling; where did they begin on Broadway? A. I really don't recollect now; I think somewhere near Worth Street; I don't know; I don't speak positive on that.
- 977 Q. What change has taken place in the neighborhood where you are since you have been there; you have seen what business sweep right through there? A. I have seen the place where I am, in that neighborhood, all dry good stores; now it is hardware, and shoes and boots, and different businesses; there are no dry good stores in my neighborhood at all.  
 Q. And they have been driving up? A. Yes, sir.  
 Q. And hardware has been coming in their place? A. Yes, sir.  
 Q. And offices have been crowding up? A. Offices have been coming up; boots and shoes have been coming up; hardware has been coming up, and dry goods still further up.
- 878 Q. If you were now going to locate a restaurant in the City of New York, which bore relatively the same position to the dry goods business that yours did when you first located where you now are, how far would you locate it up town? A. I don't think I would locate it up town at all; I would go down town if I was going to locate a restaurant.  
 Q. You think that is the best place? A. Yes, sir.  
 Q. But my question is, supposing you wanted to locate a restaurant relatively to the dry goods trade as your first restaurant was first located, where would you go? A. As to the dry goods trade?  
 Q. Yes, sir. A. I should say above Canal Street.  
 Q. How far up does the dry goods trade go now—the wholesale? A. Well, I don't know as I could tell.  
 Q. You are very little out of your restaurant? A. Yes, sir; I don't know much about it; I suppose it

goes up as far as Broome Street, and may be further. 979

Q. Your restaurant is in the basement, is it not?

A. No, sir; first floor.

Q. It is above the sidewalk—on the first floor?

A. It is even with the sidewalk.

Q. And has it always been there even with the sidewalk? A. Yes, sir.

Q. Do you go down town much? A. Not a great deal; occasionally.

Q. Why do you consider the trucks such a nuisance on Broadway? A. I told you once, I believe, because they blockaded up the street.

Q. Is Broadway blocked up much where you are?

A. Very much, occasionally, at certain hours of the day.

Q. What hours of the day is it the most blocked? 980

A. About 11 o'clock in the morning and 5 o'clock in the afternoon.

Q. Do you mean all the way from 11 to 5? A. No, sir; I mean at those hours.

Q. But from 11 to about what time? A. From 11 to 6 it is crowded, and from 11 to 12, perhaps, is the busiest time—it appears to be the busiest between 11 and 12.

Q. And those are the times you find it most blocked? A. Yes, sir.

Q. To what extent is it blocked there? A. I don't know; I don't see it every day; I see it only occasionally; there seem to be so many trucks and stages and carriages there, and they get blocked up.

Q. You mean to say you often see it blocked so that there is no movement at all for a time? A. Yes, sir; I have often seen it that way. 981

Q. How far does that extend? A. Well, from Chambers Street to Duane.

Q. All the way along? A. Yes, sir.

Q. Solid blocks? A. Yes, sir.

Q. Mostly loaded teams? A. Well, all kinds; empty carts. and loaded teams, and carriages, and stages and wagons of all descriptions.

Q. Do you think a horse railroad would help that? A. I don't know that I am a judge of that; I should not think it would make it any worse.

Q. Because it is as bad as it can be? A. Bad enough anyway.

Q. And has been getting worse and worse since you were there? A. It is no worse than it was five years ago.

982 Q. Down to that time it was comparatively clear?  
A. It was when I first went there.

Q. Comparatively clear when you first went there?

A. Yes, sir.

Q. When did it begin to become crowded, uncomfortable? A. In the season of the war it became very crowded.

Q. And since then? A. Since then it has been crowded.

Q. Now, what has particularly occasioned all this crowding since that time? A. I suppose it is the moving of business up-town.

Q. Do you notice what these trucks are loaded with? A. A good many are loaded with railroad iron.

983 Q. Where is that going? A. I don't know.

Q. What else have you happened to see on them?

A. Wood, all kinds of dry goods, boots and shoes, and everything that goes on a cart.

Q. It seems to be the great thoroughfare for loaded wagons, doesn't it? A. Yes, sir; it does.

Q. Both going north and south? A. Both ways.

Q. Is there much travel—east and west travel—on these side streets—on the side street at your place? A. Foot passengers?

Q. I mean wagons, east and west? A. Oh, yes, considerable; not so much though as there is in Chambers Street.

Q. And that is pouring into Broadway there all the time? A. All the time through Duane, and

984 Reade, and Chambers.

Q. What are on those side streets; wholesale business? A. Well, Stewart's Building is there, and runs down two hundred and odd feet on Reade Street, and then there is the Emigrant Savings Bank, and some hardware stores.

Q. Mostly office buildings on the east side? A. No, sir; there is a blank book manufactory on the other side, and storage houses—I don't know exactly what they are; there appear to be very few offices there.

Q. Where do you live up-town? A. Thirty-sixth Street.

Q. How do you get up-town? A. By the elevated road.

Q. Always? A. Always.

Q. Whereabouts in Thirty-Sixth street? A. Forty-seven.

Q. East or West? A. West.

Q. Have you gone that way ever since the elevated railroad has been built? A. I have; yes, sir.

Q. How did you use to go before that? A. Sixth Avenue.

Q. Sixth Avenue cars? A. Yes, sir; or stages sometimes, and sometimes in the Sixth Avenue cars.

Q. Which did you prefer, the stages or the cars? A. I preferred the cars.

Q. And would take those rather than the stages? A. Yes, sir.

Q. But now since the elevated road has been built you walk through Chambers Street? A. Yes, sir.

Q. Go down Chambers Street and go up the elevated railroad station, and go up the elevated railroad and get off at Thirty-third Street and walk over to your house? A. Yes, sir. 986

Q. Is that quicker than horse-cars? A. Yes, sir.

Q. And pleasanter, isn't it? A. Yes, sir; I think it is.

Q. Do you find that the people in your neighborhood generally use the elevated roads? A. I think they do; yes, sir; the male part of them.

Q. The what? A. The male part of them—down-town business men.

Q. In the business hours and business times of the day? A. Yes, sir.

Q. Do you own any property on Broadway? A. No, sir. 987

Q. Or in the City of New York? A. No, sir.

Q. You are not a stockholder in any of these horse railroads, I suppose? A. No, sir.

*By Mr. Scribner :*

Q. Mr. Thompson, don't these stages do more than anything else to block up Broadway—to cause the blockades that you speak of? A. Well, I cannot say positively about that; I think they are a great help to blockading up.

Q. Don't you think that the withdrawal of stages would contribute largely to the relief of Broadway? A. I think it would; yes, sir.

Q. Don't you think that street-cars confined to iron rails in the centre of a street, so that people would know where to find them, and from which

988 they could not depart, would facilitate rather than obstruct travel? A. Yes, sir; I should think they would; I should think that if stages were taken out of Broadway that railroads would not block Broadway as much as stages.

Q. That the railroad cars would not blockade as much as stages would? A. No, sir.

Q. There is no doubt at all in your mind, that a street car is preferred by the great mass of the general public to the stage to ride in? A. I prefer cars myself.

Q. In respect to the blocking up of Broadway by trucks, concerning which you have spoken, is there any real necessity for that, in your opinion; are there not side streets where these trucks might travel? A. Yes, sir; I think that they could travel in West Broadway and Centre Street.

Q. In your observation about town, have you found that the construction of a street railroad attended to any considerable degree to inconvenience travel by trucks; don't trucks follow the tracks of street railroads? A. They do considerably.

Q. They do? A. Yes, sir; particularly when there is snow on the ground.

Q. I will ask you this question; what have you observed in respect to the streets mostly used by trucks at times when the streets of New York were encumbered by snow; that is to say, have you observed whether or not trucks in general seek those streets in which street car tracks are laid in preference to those where no tracks exist? A. My observation is that they do.

Q. What has been your observation in respect to the use of streets by trucks where street car rails are laid; does it, according to your observation, tend in any degree to banish trucks from such street, or to interfere with the use of any such street by trucks and other business wagons? A. My observation has been, that in wide streets carts generally take those streets that rails are laid in, but in narrow streets they do not.

*By Mr. Beaman:*

Q. You have never driven trucks, I suppose? A. No, sir.

Q. Or omnibuses? A. No, sir.



Q. Or any vehicles up and down Broadway much? 991  
A. No, sir.

Q. Or driven your own horse and carriage much?  
A. I have; yes, sir.

Q. Up and down Broadway? A. Yes, sir.

Q. Often? A. Not much lately.

Q. Given it up now? A. Yes, sir.

Q. Why? A. Because I am too poor to keep a team.

Q. When you drove your team did you prefer to ride on streets where there were horse-car tracks?

A. Not in a light wagon; I would just as lief ride in Sixth Avenue.

Q. Why? A. Because it was a wide street.

Q. And you could go either side of the track, couldn't you? A. Yes, sir.

Q. But you never preferred streets in which there were horse-car tracks for your own driving? A. No, sir. 992

Q. Why not? A. Well, I don't know as there was any particular reason, only because there was a track there.

Q. What had the track to do with it? A. Nothing, only when I was going up town I would prefer driving up Fifth Avenue rather than Sixth or Madison.

Q. Because there were no tracks on those avenues?  
A. Yes, sir.

Q. Why is it more pleasant to ride on a street where there are no horse-car tracks than on one where there are? A. I don't think it is; I think 993  
it is really only imagination.

Q. You have had an actual experience of that kind? A. Yes, sir.

Q. And you think it is imagination, do you? A. I think a great deal of it is imagination.

Q. Don't you think there is any disadvantage in driving in a light wagon on a street where there is a horse-car track? A. Not wide streets; no sir.

Q. Suppose a street is not wide? A. Well, if you come in contract with a rail, and you cannot drive between the rail and the curb, of course, it is not very agreeable.

Q. Do you mean "of course" or "imagination of course"? A. There is no imagination about that.

Q. That is a real objection, is it? A. Yes, sir.

Q. Why is that a real objection? A. Because it

994 is not pleasant to be riding on a track of a railroad and having your wheel touch the curb at the same time.

Q. Is there any trouble about your wheel getting caught in the tracks? A. Some.

Q. And some trouble about turning out if you are riving? A. I suppose there is trouble.

Q. You are liable to break your light wagon, aren't you? A. Yes, sir, very liable.

*By Mr. Scribner :*

Q. Is there any considerable amount of light wagon driving on Broadway south of Fourteenth Street? A. Very little.

995 Q. It is rare to see a light wagon below Fourteenth Street on Broadway, is it not? A. Very rare, except they come from Jersey or Staten Island or Long Island, and go up-town; those are about all the light wagons you see.

Q. A private carriage of any kind is a rare sight on Broadway below Fourteenth Street, is it not? A. There are very few private carriages there.

Q. They have diminished largely in number in the last twenty years, have they not? A. Yes, sir; in the last ten years.

Q. Broadway is substantially, is it not, given up to trucks and stages and business wagons at the present time? A. I should say it was.

996 Q. And all those, so far as you know, would not be affected at all by the tracks? A. As far as I know, I don't think they would.

*By Mr. Beaman :*

Q. Do you mean to say you think a track on Broadway, a double track for horse-cars, would be no disadvantage to truckmen? A. To truckmen?

Q. To truckmen and truck-driving, or to trucking? A. No, I didn't mean to say that; I think that they would be inconvenienced some little, not much.

Q. You think that they would be inconvenienced, don't you? A. I think they might be.

Q. Wouldn't all drivers of public vehicles be inconvenienced—drivers of cabs and omnibuses? A. I think not.

Q. Why not? A. They could drive each side of the rails.

Q. Do you know how wide Broadway is? A. I 997  
don't know as I do, exactly.

Q. Don't you think anything that obstructs any part of a street is an objection to anybody who is going up and down that street? A. Why, yes, of course; the stages and trucks are an obstruction to the streets now, and the railroad couldn't make it possibly any worse than it is; that is my idea.

Q. Because it is so bad now, if I understand you? A. Yes, sir.

Q. But while it might not make it any worse for general travel, wouldn't a railroad, in your judgment, make it worse for everything that goes up there on wheels? A. No, I don't think it would.

Q. You don't know whether it would or would not? A. No.

Q. Do you think it would help them any? A. It 998  
might not help them.

Q. Don't you think it would hurt them and damage them and inconvenience them? A. A railroad?

Q. Yes, sir, a horse railroad? A. No, sir, I don't.

Q. You say there are very few private carriages coming down Broadway—light wagons? A. Yes, sir.

Q. What do you call light wagons—buggies? A. Yes, sir.

Q. Do you call landaus and such wagons light wagons? A. Yes, that would be a light wagon.

Q. Are there very few of those coming down Broadway? A. Very few.

Q. Aren't there a lot of public cabs coming down 999  
Broadway? A. Yes, sir; public cabs.

Q. They are light wagons, whether they are public or private, are they not? A. Yes, sir.

Q. Are there a great many hacks going up and down Broadway? A. What do you mean by hacks—two-horse hacks?

Q. Yes, two-horse hacks—I suppose so? A. There are some always, of course.

Q. There are a good many funeral processions going up and down Broadway, are there not? A. I don't think there are—not of late years; I have not noticed particularly about that; I have not noticed any funerals except very seldom, but there might a dozen go by and I not know it.

Q. You are not so situated that you can see what is going on on Broadway? A. No, sir; very little, except I am out-doors.

1000 *By Commissioner Harris :*

Q. I understand you that putting tracks on a street would draw wagons and trucks there? A. No, sir; I didn't say that; I say that it would draw individuals—people.

*Commissioner Harris :* Oh, draw people?

*The Witness :* Yes, sir; the more facilities for getting up and down Broadway the more people come to Broadway; that is my idea about it.

*By Mr. Beaman :*

Q. But I understood you to say that the trucks always liked to go to those streets where there were horse-car tracks? A. I said they generally did  
1001 when there was snow on the ground.

Q. So that at that season of the year trucks will come to Broadway more than they do now? A. No, sir; I don't think there could any more go there than are there now.

Q. You think it is jammed full now? A. Yes, sir.

Q. No place for them? A. Pretty well filled every day.

Q. And that is so all through the year, isn't it? A. Pretty much; yes, sir.

*By Mr. Fuller:*

Q. Just one question. You say that Broadway is badly blocked now from Chambers Street to Duane Street? A. Yes, sir; often; not all the time.

1002 Q. But blocked quite frequently? A. Yes, sir.

Q. Do you think that horse-cars on Broadway would increase the blocking or decrease it? A. Well, they couldn't increase it very much.

Q. Then any additional number of cars wouldn't increase it? A. No, sir; I don't think it would.

*Mr. Scribner:* We rest.

*Motion to Dismiss.*

*Mr. Beaman :* If your Honors please, the petitioners having rested, I move to dismiss their petition, and for judgment against them, on the case they have now presented.

*Commissioner Harris :* The motion is denied.

*Mr. Beaman :* And I take an exception to the ruling. We will call as our first witness Mr. James Clancy.

JAMES CLANCY, called as a witness on behalf of 1003 Mrs. Boreel and the Board of Trade and Transportation, testified as follows :

*By Mr. Beaman :*

Q. What is your business, Mr. Clancy ? A. Truckman.

Q. How long have you been a truckman in the City of New York ? A. About twenty-eight years.

Q. To what extent do you carry on that business ? A. Well, I have running twelve to fourteen trucks at times ; sometimes more and sometimes less.

Q. Trucks of your own ? A. Yes, sir.

Q. And horses of your own ? A. Yes, sir.

Q. How long have you been carrying on business to that extent ? A. For about eight years—eight or 1004 ten years.

Q. To what extent did you carry it on before ? A. Well, it gradually grew up into a large business.

Q. Did you begin as a driver ? A. Yes, sir.

Q. And driving your own truck or driving for another person ? A. Driving for another person.

Q. Then the history of your business is that you began trucking as a driver and have now come to your present situation in business ? A. Yes, sir.

Q. What place do you keep your trucks, or what stand have you for your trucks ? A. Well, Reade Street and Duane Street and Beaver Street.

Q. You have three stands, is that it ? A. Yes, sir.

Q. What right do you get to carry on this business of trucking in the City of New York ? A. Well, 1005 we pay a yearly license.

Q. Do you pay for each of your drivers or how ? A. The drivers take out licenses for themselves.

Q. What kind of a license do you have—a license for a certain number of trucks ? A. Yes, sir ; each truck designated—paying so much per truck.

Q. And that is a license fee paid to the city ? A. Yes, sir.

Q. Where are your stables that you keep your horses ? A. Jane Street, on the west side.

Q. Are you a general public truckman, or are you engaged for any particular houses ? A. Well, I am a general public truckman and engaged by some special houses.

Q. What houses ? A. Wiley & Wing, formerly Wiley, Weeks & Wing, and Gilbert Oakley & Sons, Zuricalday & Arquimbau, importers, and others.

1006 Q. When you say you are engaged by those firms, you do, as I understand, their trucking? A. Yes, sir.

Q. What character of goods do you cart mostly? A. Mostly foreign fruits.

Q. Foreign fruits? A. Yes, sir.

Q. Where do you receive them? A. We'll, we receive them on the North River front, as far up as Twenty-sixth Street and as low down as the Battery.

Q. From steamers or sailing vessels? A. Steamers mostly; some from sailing vessels.

Q. By foreign fruits you mean what? A. Currants, and prunes, and raisins, and all sorts of foreign nuts.

1007 Q. Bananas? A. No, sir.

Q. None of the green fruits? A. No, sir.

Q. That is, fruits that come from other countries? A. Yes, sir.

Q. Tropical countries? A. Yes, sir.

Q. In what condition do you receive them; in bags or boxes? A. Bags, boxes, barrels and casks.

Q. Where do you deliver those? A. At warehouses and at the stores of the merchants, and at the transportation lines—shipped direct; a great many goods are shipped direct from the piers.

Q. Direct to the steamers? A. Yes, sir, and railroads.

Q. Where are the main centres of transportation to which you deliver? A. Well, St. John's Park, 1008 Barclay Street, foot of Chambers Street, foot of Warren Street, the Erie Railroad depot and the Pennsylvania Railroad, pier 4 and 5, and pier 26, I think it is now; on the East River there is only one trunk line there, and that is at pier 36 East River; and then the Hudson River has barges on the North River at pier 4 and 5; and in the Fall of the year we ship a great many goods by canal, at pier 6, 7 and 8, and along there.

Q. Have you during these years that you have been in the trucking business been mostly engaged in fruit trucking? A. Yes, sir.

Q. Made that, as it were, a specialty? A. Yes, sir.

Q. Is there much of your trucking done of Broadway? A. Yes, sir; a very large portion of it.

Q. In what parts of Broadway? A. Well, Broadway from the Battery to St. John's Park—that is at Laight Street.

Q. Do you mean you come up Broadway to get 1009 to St. John's Park? A. Yes, sir.

Q. Where do you leave Broadway to get to St. John's Park? A. Sometimes I leave it at Reade Street and other times at Duane, and sometimes at Worth Street; not very often at Worth, because there is a hill there; and we come down Murray Street and Warren Street sometimes.

Q. Suppose you are delivering or taking goods from this section that you have talked of, west of Broadway, where do you generally come to Broadway; suppose you are delivering goods in this section right here west of us, in the neighborhood of Cortland Street—is that one of the streets? A. Barclay.

Q. Barclay; do you then take Broadway as a part 1010 of your course? A. No, sir.

Q. How do you come up then? A. Either take West Street or Washington.

Q. Why do you occupy, or why do you so much go on Broadway with your trucks? A. Well, we find it very inconvenient to be compelled to stop on streets that are occupied by railroad tracks.

Q. How inconvenient? A. Well, if we are going north, or going south rather, with a load, of course we have to follow the track, and you can't follow that for a very long distance before there is a railroad car behind you, and then you have got to get over as fast as you can, either on the left hand side of the street, or else turn out the nearest street, and so it is criss-cross all the way along; and it is very hard 1011 on teams and very hard on trucks to switch these trucks out from time to time; of course, we cannot stay in the track because there is a law which compels us to move when a car comes up behind us, so that we have nothing to do but to get out of the way as best we can; then the sides of the streets are usually so filled with trucks engaged in the various business houses, that we have to swing from the down-track on to the up-track, and then as soon as the car passes us cross over again on the same track that we were before, because if we didn't we would meet a car coming the other way.

Q. Then the streets on which there are horse-car tracks are a great inconvenience to your trucking business? A. Very much indeed; we are delayed sometimes from—well, all the way from fifteen minutes to a half an hour and sometimes an hour at

1012 a time on these streets—West Street, Washington Street—because we cannot come Greenwich Street because the cars go up-town on Greenwich Street, and then it is blocked up so much there that you undertake to go in the opposite direction that the car is running, why, you block yourself and everybody else; and you might just as well go home, as you cannot do anything on that line; so that we have to follow the cars where there is a single track, and then when you get blocked, of course you have to stand there; there is no place to go; and we stand sometimes by the hour; I think I have stood by my truck as many as three hours without moving more than a block.

Q. What is the general effect, then, upon your  
1013 business, of having your carts or trucks blocked, as they now are, by the horse-cars on the various streets? A. I think we could afford to do our business at about thirty-five per cent. less if we didn't have these inconveniences and the heavy wear upon horses and trucks occasioned by railroad tracks.

Q. You mean the railroads as they now exist?  
A. Yes, sir; as they now exist.

Q. Is there any up and down street east of Broadway in which the trucks can go along at all except in those streets where there are railroad tracks? A. No, sir.

Q. Or west of Broadway? A. No, sir; none.

Q. Has this placing of tracks on these side streets  
1014 had the effect, in your opinion, as you have observed it, to increase the trucking on Broadway? A. Oh, yes; very much.

Q. You think there never was a time when there was so much trucking on Broadway as there is now?  
A. No, sir; I don't think there ever was.

Q. Is there anywheres where the trucking that now goes on Broadway can go? A. No, sir; I don't see any outlet for it anywheres; no possible outlet for it.

Q. What parts of Broadway are most crowded with trucks and vehicles of various kinds? A. Well, my observation has been, from Duane Street down.

Q. Down how far? A. Well, down below—down to Wall Street.

Q. That is the most crowded section? A. Yes, sir.

Q. Why is that the most crowded section? A.



Because it is the artery for all the heavy commerce 1015  
on the west side where the streets intersect with  
Broadway, all below Duane Street; the heavy  
pressure comes about there; they all get in about  
there; very few come Chambers Street and Reade  
Street, because Chambers Street has a railroad track  
in it; the Sixth Avenue and Eighth Avenue go  
through Church Street, and down Chambers Street,  
that block, and into West Broadway, so that it  
virtually shuts up that block, so that nobody pre-  
tends to go that way with a load unless he is going  
west; he may at times attempt to go west, but never  
come east with a load, but drives into Warren  
Street, and there is no track in Warren and none in  
Murray; and the heavy grocery trade is all concen-  
trated now between—well, Franklin Street and 1016  
Warren, and of course we then have to get the best  
road we can, and then work down to Warren or  
Murray, and then up into Broadway; all the east  
side traffic—that is, the shipping and the com-  
merce—comes in from that way.

Q. They avoid the horse-car tracks whenever they  
can? A. Yes, sir.

Q. At what times of the day is Broadway the  
most crowded in this section? A. Well, usually, I  
think, from 10 to 12 in the forenoon; that is previ-  
ous to the time the teams stop to feed; they gener-  
ally feed at 12 o'clock; of course that takes a large  
number of teams out of the track; and then, from  
about 2 o'clock until the closing of the shipping in  
the afternoon, which is principally done by 4 o'clock; 1017  
the heavy shipping has to be all done now before 4  
o'clock; there are some lines that take a little after  
that, but it is only way freight.

Q. What is the general course of your business;  
your horses are fed and your trucks are ready to  
take loads at what time? A. One o'clock.

Q. I mean in the morning? A. Seven o'clock in  
the morning they go on their stand, as it were; that  
is, they are waiting for general orders.

Q. And then they work until 12? A. Yes, sir.

Q. And then, if convenient, they feed? A. Yes,  
sir.

Q. And go on again at 1? A. Yes, sir.

Q. And then work until 6 or 7? A. Well, work  
until 6, and work sometimes as long as 9 o'clock.

Q. You have spoken of the necessity of having  
goods at certain places at certain times; why is

1018 that? A. Why, the railroad monopolies have made a rule within the last few years, since they have combined all their interests, not to receive any western bound freight after 4 o'clock in the afternoon, and we have to be in line at 4 o'clock and have our receipts punched by the man they send out along the line, and then, of course, they take the freight that was received—that is, the freight for which the tickets were punched at 4 o'clock, up to 4 o'clock, and if you get there after that time they won't receive the freight.

Q. What is the effect of that rule on the trucking of the city? A. It is very much against us, very much indeed.

Q. How so? A. Well, they have three hours in the 1019 afternoon, which is a short time for us to get our goods ready and get under way, by the detention that we usually have by getting in line at 1 o'clock and back, and it is as much as we can do to get in two loads in that time, so it curtails our time.

Q. What is the result if you don't get your goods there by 4 o'clock? A. They send us home.

Q. With your load? A. Yes, sir; and if the merchants don't take care of it, why, as we have taken it on our trucks we are responsible for it, and then we have to take it back again.

Q. And it cannot go until another day? A. No, sir.

Q. Then anything that tends to block you anywhere on your road delays you from getting to 1020 your place in time—that is, before 4 o'clock—and puts you at this disadvantage, does it? A. Yes, sir.

Q. How is the trucking business of the City of New York—has it increased or diminished within the last twenty years? A. Oh, increased, I should say, in the last twenty years—well, 200 per cent.

Q. How many licensed truckmen are there in the City of New York? A. Well, I really don't know the number; the number is large; I know that the highest number that I have is 5,865; we go by numbers, and my highest number is 5,865; I have had that a good while.

Q. How much do you usually pay the city for a license? A. We pay a dollar now under this new law—a dollar a year; we used to pay a larger fee.

Q. What, in your opinion, would be the effect on the public travel in Broadway, between Union Square and the Battery, by placing on it a track, or

a double track, for the running of horse-cars upon 1021 it, which track should be at least 15 feet wide between the outside rails of the two tracks, and cars driven by horse-power? A. My judgment is that it would be closing up that important artery; I don't see anything else.

Q. What do you mean by "closing up"? A. I mean virtually forming a continuous blockade day after day.

Q. Explain to the Commission how this would happen. A. The large wholesale business that is done, that of necessity must be loaded and unloaded between the track and the sidewalk, and would throw everything in that straight line on the line of those cars, and there would be no chance for any movement of a car in any way, shape, or form but 1022 straight along; as it is now, why, of course, we can get in and out, and stages get around this and get around the other, but a car that is blocked five minutes means five hundred vehicles stopped, on the average, on Broadway; five minutes means, without any exaggeration, five hundred vehicles stopped on one line, and probably five hundred on the other, making a thousand vehicles that would be stopped in five minutes; that is my judgment about it.

Q. You have spoken about a great deal—about a good many goods being received and delivered on Broadway; on what part of Broadway? A. All the way from, say, Reade Street up to, more or less, Fourteenth Street.

Q. Heavy goods? A. Yes, sir; heavy goods. 1023

Q. Are they delivered and received there both? A. A great many of them; yes, sir.

Q. What kinds of goods are these? A. Mostly dry goods.

Q. Where are they coming from? A. Coming from the Eastern boats and from the Eastern railroads—from the various manufacturing centres—by trucks coming from the North River and from the East River.

Q. Where are they going to? A. Going to these wholesale jobbing and commission houses.

Q. In the city? A. In the city.

Q. But when they leave those commission houses, where do they go to? A. Well, then they ship to the trade East and West, and North and South; they come from the factories there, and then they are shipped to their customers.

- 1024 Q. You are not trucking much in those goods, as I understood you? A. No, sir; not very much.
- Q. And never have been? A. Yes, sir; I have been in the dry goods trade.
- Q. Has the centre of the fruit business in which you have been principally engaged, changed much in the last twenty-four years? A. Well, the centre of the fruit business has not changed very much.
- Q. It is about where it has been? A. Yes, sir; about within the radius of eight or ten blocks.
- Q. About how many trucks, Mr. Clancy, are employed mostly in this fruit business? A. Well, I think Hills Bros. employ about, well, I guess, fifteen to twenty.
- Q. I mean in rough numbers—all that are employed in it? A. Oh, all the trucks?
- 1025 Q. Yes, all that are employed in the fruit business. A. Oh, there is a very large number.
- Q. Three hundred? A. Oh, yes, there are five hundred.
- Q. Five hundred whose business is principally in fruits? A. Yes, sir.
- Q. And that is the branch of trade in which you are principally engaged? A. Yes, sir.
- Q. What is the average length of your trucks on the floor? A. Well, double trucks, you mean?
- Q. Yes, sir. A. Well, from twelve and a half feet to fourteen.
- Q. That is on the floor? A. Yes, sir.
- Q. How wide is the floor? or rather how wide is it between the wheels? A. Seven feet, I think.
- 1026 Q. Seven feet between the wheels? A. Yes, sir.
- Q. That is, between the centre of the tires, I suppose you mean? A. Yes.
- Q. Or, do you mean between the outside of the tires? A. Oh, more than that; I think it is seven feet inside of the hub.
- Q. How far is it outside the hub? A. Well, I think it is about eighteen inches.
- Q. From the outside of one hub to the outside of the other hub, is how much? A. Well, I can't exactly—
- Q. Is there a great deal of loading and unloading from trucks put endwise to the curb up and down Broadway? A. Yes, sir; there is a large amount of that done.
- Q. What is the effect upon the travel in the various down town streets in which there are horse-

car tracks? A. Well, our experience has been, 1027  
ever since the car tracks have been laid down, that  
we are compelled to follow the track.

Q. It narrows the street, then, the width of the  
track? A. Yes, sir.

Q. Why is this the fact? A. Well, railroad com-  
panies have never done anything in the lower part  
of the city towards removing the snow until a very  
recent period, when they come down with the snow  
ploughs, with eight or ten horses on, and they just  
pile it up on both sides from the middle, when it is  
limp and soft, and when a cold night sets in it is  
frozen so hard we are really compelled to go into the  
middle of the street, because it makes a sort of  
shape like this (indicating) so that our horses can  
hardly walk around on one side or the other, as it is  
dangerous to them; they plough a place right 1028  
through.

Q. And that drives you right into the track? A.  
Yes, sir.

Q. Then are these streets much worse for you in  
Winter than they are in Summer? A. Oh, very  
much.

Q. What is the effect of this on the Broadway  
travel in the Winter; are there more trucks on  
Broadway in Winter than in Summer? A. Well, I  
really don't know as to that; of course we get to  
Broadway as soon as we can then when there is con-  
siderable snow; we know it is evened up and we  
can get along; but it is usually cleaned off.

Q. State whether or not it is the rule of truckmen  
during their business to go to Broadway as soon as 1029  
they can? A. Yes, sir; that is the general rule—to  
get there as soon as we can.

Q. And why is that the rule? A. Because it is  
the best and only avenue that we have really got;  
it is the only opening we have really got;  
there is no other place—it is the only place and it is  
the best place.

Q. Is that so without regard to any part of the  
city between Fourteenth Street and the Battery? A.  
Yes, sir.

Q. Always go to Broadway? A. Yes, sir.

Q. Winter and Summer? A. Yes, sir.

Q. What effect is caused to the travel on Broad-  
way by the fact that there is a good deal of travel  
in the streets crossing Broadway, say on Cortlandt  
Street or Fulton Street? A. It is very apt to be

1030 blocked up ; of course they have officers at all those corners below, and they have been there for years, and they regulate the trucks going east and trucks going west, and they keep a sort of an opening, so as not to blockade it more than one possibly can help ; but if it was left to themselves there I don't know what the consequences would be.

Q. Where are these officers situated ; what corners ? A. There is one at the corner of Chambers Street, and on all street corners as far down as Wall Street.

Q. Any above Chambers ? A. Yes, sir ; there are officers on Broadway above Chambers.

Q. And stationed at particular corners, as you understand it ? A. Well, they have a block.

Q. Do these officers keep the vehicles to any particular side of the street, as you understand it ? A. Yes, sir.

Q. They keep those going down on the right hand side ? A. Yes, sir.

Q. And those going up on the left hand side—on the other side ? A. Yes, sir.

Q. How about that portion of Broadway extending from the Herald Building to Cortlandt Street ; is that in your judgment particularly crowded more than any other part ? A. The most crowded spot on Broadway.

Q. Right opposite Knox, the hatter's ? A. Yes, sir.

Q. Where the bridge was ? A. Yes, sir.

Q. How, in your judgment, would the placing of horse-cars on Broadway, supposing there were only  
1032 the same number of them as there are of omnibuses, affect the travel of Broadway as compared with the omnibuses ; that is, which would be the worse on Broadway ; the same number of cars, or the same number of omnibuses, as far as your business is concerned ? The same number of cars.

Q. Why ? Well, they run in a given groove, and there is no chance for them to turn to the right or to the left, and they take up a certain portion of the street, one car going one way and one another, and of course —

Q. And nothing between them ? A. And nothing between them, and that gives so much less space for all this travel.

Q. What facilities do omnibuses have for getting out of the way that cars don't have ? A. Well, they

can get to the sides of the streets, into the gutter, 1033  
or go around somebody that is backed up, as needs  
be, and so work in and out, and get along.

Q. This crossing of stages on Broadway from side  
to side is necessitated by reason of their being com-  
pelled to get out of the way of something, isn't it?  
A. Yes, sir.

Q. What part of a street is the easiest for a loaded  
wagon to go in, the centre or towards the curb? A.  
The centre.

Q. Why? A. The truck or wagon runs more  
level; Broadway is a little higher in the middle,  
and if you are down on the side of the street you  
are apt to slide down in the gutter; and if there is  
some vehicle standing there then you have got to  
fetch up to the centre of the street—up that grade  
—so that it is easier to keep on the centre, and 1034  
loaded teams generally go in the centre, and light  
wagons and stages go on either side; a man having  
a heavy load going up and down Broadway takes  
the centre, and lets the light carriages and hacks go  
around him.

Q. That is what you call light teams—hacks and  
such things? A. Yes. Q. Mr. Clancy, what is the  
effect upon the truckage by having to pull their  
loads over streets which have railroad tracks in  
them; I mean outside of the blocking question, how  
does it affect the load that you can carry, or the  
strain on the horses, or the wear on the wagons? A.  
Well, if you undertake to follow the railroad tracks,  
it wears a certain groove in the stone, because there  
can't only one wheel follow the track, and that 1035  
wears the felloes out—cuts the felloes—and wears a  
groove—the other wheel wears a groove in the stone,  
and by that consequence we are kept in a sort of a  
track, and the longer the time the deeper the track;  
why down here on South Street, there are some  
places where I think the stones are worn nearly  
through, and you couldn't get out of it with a heavy  
load, unless you found a place where you could get  
on an even surface, and it is a great strain upon the  
axles; hundreds of axle-trees are broken, and light  
wagons are twisted out of shape, and a thousand  
and one calamities happen from time to time on  
these railroad tracks. Q. You say you cannot run  
but one wheel in a track, why is that? A. Well,  
the truck is wider than the railroad track. Q. And  
if you run your left-hand wheel in the track, why,

- 1036 then I understand you, your right hand wheel extends beyond the other track? A. Yes, sir. Q. And makes a gully right along there? A. Yes, sir. Q. How far does it extend beyond the other track; a foot or so? A. Oh, yes; runs about between the centre of the two tracks, so that there is just about room enough to pass a car. Q. But two trucks would hardly pass each other? A. Well, some streets have got double tracks, in which they will not, and in others they will. Q. Please state the actual situation of the streets on which there are horse-car tracks on the west side of Broadway, so far as these streets contain horse-car tracks, starting with the first one as you go west? A. The first one? Q. Yes; the general condition of the pavement? A. College place, that is the first one; well, 1037 that is generally kept in very decent repair; there are three or four railroad companies that have railroad tracks there—the Sixth, Seventh, Eighth and Broadway—all go down that place, and that has been kept in a very fair condition. Q. The next one? A. Greenwich Street is the next; well, that has been in a very bad condition almost invariably since that track was laid; Washington Street has been in about the same condition, and West Street caps the climax; that is the worst street, and there is less done by everybody in that street, railroad company included, than in any other street in New York; it is really an unsafe street for a man to ride a heavy load on. Q. The condition of that street is a great damage to the business of the city? A. Yes, sir; a great damage 1038 to the business of the city. Q. When you come to Broadway, the existence of these gullies, as I understand you to have described, which would be made by the trucks, would be another disadvantage over and above the existence of the tracks? A. Yes, sir; a very great disadvantage.

Q. Mr. Clancy, about how many packages do you deliver on your trucks a day? A. How many packages a day? Q. Yes. A. Oh, sometimes as many as a thousand or fifteen hundred; it varies. Q. I won't go into that; I will withdraw the question; that is too much detail; is your business carried on at so much a day, or so much a load? A. So much a package. Q. Without regard to the size of the package? A. With regard to size. Q. With regard to size? A. Yes, sir. Q. But you



earn your money on the basis of what goods you 1039  
 deliver? A. Yes, sir. Q. And not on the basis of  
 hours, or anything of that kind? A. No, sir. Q.  
 So that any delay is a damage to the truckmen? A.  
 Yes, sir. Q. And reduces your earnings of the day?  
 A. Yes, sir. Q. And anything that delays you an  
 hour takes so much out of your working time? A.  
 Yes, sir. Q. And of your earning time? A. Yes,  
 sir. Q. And all delays in the same way? A. Yes,  
 sir. Q. Is that the general system on which the  
 trucking business is carried on in the City  
 of New York? A. Yes, sir; that is the general sys-  
 tem. Q. Is that the system in the cases where you  
 are the regular truckmen of houses? A. Yes, sir.  
 Q. So that you take all the chances of delays? A.  
 Yes, sir; take all chances. Q. And the sufferings  
 of delay all come upon the truckmen? A. Yes, sir. 1040  
 Q. Aside from the business disadvantage, the money  
 loss is to the truckmen? A. Yes, sir.

*Cross-examination by Mr. Scribner :*

Q. Mr. Clancy, you attended before the Board of  
 Aldermen, did you not, and made a speech against  
 the granting of the consent of the Common Council  
 to the petitioner, the Broadway Surface Railroad  
 Company? A. Yes, sir; I attended there. Q. You  
 appeared there as the representative of the truck-  
 men's interest, did you not? A. Yes, sir. Q. Your  
 interest in Broadway lies mainly south of Duane  
 Street, does it? A. No, sir. Q. Didn't you tell  
 Mr. Beaman that you ordinarily left Broadway at  
 or about Duane Street? A. Yes, I guess so; I said 1041  
 that. Q. So far as you are speaking respecting the  
 effect of the construction of a railroad on Broad-  
 way, about interfering with what you con-  
 ceive to be the rights of truckmen, you  
 speak of that part of Broadway which lies  
 below Duane Street? A. No, sir; I do not; I  
 speak of the whole length of Broadway up to Four-  
 teenth Street. Q. Are you aware that for twenty  
 years, or thereabouts, there has been a double track  
 railroad in Broadway between Seventeenth Street  
 and Forty-third Street? A. Yes, sir; I am aware  
 of all that. Q. Are you equally aware that  
 Broadway between the points I have mentioned—  
 Seventeenth Street and Forty-third Street—has  
 been continually used by trucks, carriages and

- 1042 other vehicles during the past twenty years, notwithstanding the existence and operation of the existing railroad between Seventeenth Street and Forty-third Street? A. Yes, sir; I am. Q. You are willing to concede, are you not, that the occupation by a street railroad of so much of the carriageway of any street as is requisite for the purposes of a street railroad does not tend to interfere, or at all events to exclude, the use of the same street by other vehicles? A. No, sir; I am not. Q. Do you then testify, and is your opinion that you have given to the Commissioners respecting the various matters about which Mr. Beaman has inquired, based upon the assumption that the construction of railroad tracks in Broadway, and the operation of a street railroad thereon, will exclude trucks and
- 1043 other vehicles from the carriageway of Broadway? A. No, sir; I don't intimate that it would exclude them all. Q. I don't think you understood my former question; do you concede that the construction and use of a street railroad in Broadway, between the Battery and Union Square, would not exclude trucks and other ordinary vehicles from the use of the same street? A. Well, couldn't help themselves; nowhere else to go. Q. You still could make use of it, for all the purposes that you have named, with the trucks that you drive? A. Well; we would have to, with all the inconveniences. Q. You could do it; only answer my question, please? A. Of course. Q. Will you tell me if trucks are not sometimes constructed and are not now in use in the City of New York the gauge of which is such as to travel
- 1044 within the line of the street car tracks? A. May be one in a thousand; they tried that experiment, but they found it didn't work.

Q. Mr. Clancy, will you tell me now if the gauge of an ordinary carriage, by which I mean a landau, a cab or a livery hack of any kind—if the gauge of vehicles of that character is not ordinarily such as to permit those vehicles to be driven directly in the line of the car-tracks? A. Yes, sir. Q. That is the ordinary gauge of such vehicles; is it not? A. Yes, sir. Q. So far as such vehicles are concerned, the use of Broadway by street-cars wouldn't materially interfere with the operation of those carriages, would it? A. If a man wanted to ride in a railroad track it wouldn't. Q. He could drive along in a railroad track? A. Yes, he could. Q. As a mat-

ter of fact where street pavements are bad and of that character that you describe the existing pavements in West Street to be, isn't it the almost uniform practice of drivers of all kinds of vehicles which track with the cars to run on the car-tracks where car-tracks exist? A. There are no vehicles for traffic that are made that way—very few. Q. There are some? A. I presume there are some. Q. There are some? A. Yes, sir. Q. Farmers' wagons, for instance, don't they track in car-tracks? A. Well, they maybe do; some of them do. Q. As a matter of fact where the gauge of a vehicle is such as to permit its wheels to run within the car-tracks, they run much smoother there than they do on stones; don't they? A. Yes, sir; they run smoother. Q. And they get along faster, as a matter of course, in consequence of the smooth condition of the track, and their running depends altogether upon how fast they want to go; don't it? A. I don't want to ride in them: I wouldn't put my family in a light vehicle and put it in a railroad track—not much—no quicker than I would put dynamite under my wagon. Q. You have got a general feeling of hostility to street railroads, haven't you? A. No, sir; I have not. Q. You sometimes ride in a horse-car, don't you? A. Yes, sir. Q. And if you have a mile or two to go along Broadway, if you were on foot, you would prefer very much to get into a street-car rather than walk? A. If I couldn't do any better. Q. What better could you do? A. Take an elevated car. Q. Are there any elevated cars on Broadway to your knowledge? A. No, sir. Q. Then, assuming that you were on Broadway, and you wanted to go from here to Union Square, and you were on foot, and you didn't have your horses or trucks around anywheres, you would find the street-cars convenient in getting there, wouldn't you? A. No, sir; I would walk four blocks to get an elevated car to go to Union Square, and then walk two blocks back. Q. Suppose the point you wanted to reach was about half way between two stations of the elevated road, would you prefer a street-car then or the elevated road? A. It would depend altogether upon how far the first distance was I wanted to go. Q. Don't you know what the ordinary distance between the stations of the elevated road is? A. Yes, sir; I say it would depend altogether upon the length of

- 1048 the distance I should want to go from the first starting point. Q. There are times when you do find street-cars a convenience for your personal use, do you not? A. Yes, sir. Q. And you don't scorn to ride in them? A. No. Q. There are a great many people like you, that find street-cars a convenience, are there not? A. Yes, sir. Q. Is your affection for your occupation or your interest in it such that you would willingly exclude the street-cars from any of the streets that they now occupy? A. Yes, sir. Q. You would like to have them in the streets where you don't care to go with your trucks, that is about it, isn't that it? A. No, sir; that is not it. Q. Where else would you like to take them out? A. I should like to take them out of Greenwich and Washington Streets, and should like to have done
- 1049 that a long while ago. Q. That is where you run your trucks, isn't it? A. Well, I don't run them there any more than I do any other place. Q. I am confining my question to the street-car tracks that you would like to see taken up in the City of New York otherwise than in the streets where you use your trucks? A. Oh, of course, I couldn't name them, because—. Q. You would like to take them all up, isn't that it? A. Oh, no, sir; I have no objection to their being put down wherever they don't inconvenience anybody and where they are not a nuisance.

NEW YORK, January 22nd, 1885.

- 1050 SIMEON E. CHURCH, called as a witness on behalf of the property-owners represented by Mr. Fuller, being duly sworn, testified as follows:

*By Mr. Fuller:*

Q. Mr. Church, you have given considerable of your time to the study of transit on New York Island, have you not? A. I have done so; yes, sir. Q. About how long? A. I think about fifteen years ago I commenced my investigation of the subject and devoted myself somewhat to it. Q. What would you think of building a horse railroad on Broadway at the present time? A. My opinion is, sir, decidedly against the building of a horse railroad on Broadway. Q. Will you be kind enough to give, sir, your reasons why, in your own way? A.

Well, they are pretty long; I will try to make them short if I can; I think that Broadway belongs to the people of the City of New York and does not belong to the property-owners on the line of Broadway, nor to the limited population, which would be served by a horse railroad, living in the immediate vicinity of such line. 1051

*Commissioner Harris:* You mean not exclusively?

*The Witness:* Yes, not exclusively; I think that whatever use or appropriation is made of Broadway should have reference to serving the uses of the whole people of the whole city; those uses are most largely directed to the upper districts of the City of New York; one-third—more than one-third—nearly one-half of the island is unbuilt upon; it can only be built upon by making it perfectly accessible; the means of access, I think, are now exhausted with our present facilities; I do not think that the elevated railroads can be made to carry more people than they are now doing with any comfort; perhaps one-half of all the people who ride upon them in commission hours must stand up now and hang on a strap; new facilities must, therefore, be applied to it, or New York must, as New York did before the introduction of elevated roads, cease to grow, and our surplus population must find their homes outside of New York City—New Jersey and elsewhere—and pay their taxes there; now, the only channel left to us for furnishing facilities of transit to all parts of the city is through Broadway as a great trunk channel; if it is appropriated by a horse-car company, it forever, I think, takes it out of the possibility of such a use; a horse-car company, once in possession of it, would hold that possession, and, no matter how great the advantages of some other system of travel, or how much more they might subserve the interest of the whole city, that street is lost to us, and I know of no other that can be made to take its place; I therefore say, without any hesitation, that to surrender that street, except upon the condition that it should provide means of rapid transit that would reach the whole city at the lowest possible price—to surrender that street to a private corporation, to serve only a limited interest, would be a great public calamity; in reaching that conclusion, I have no reference to what might be its effects upon stores upon the line of it, or a cartman 1052 1053

- 1054 who might be driving a car through it, for I regard those as questions that don't enter into the settlement of this question of the use of Broadway. Q. What do you think of the crowded condition of Broadway as compared with fifteen or twenty years ago? A. Well, it is undoubtedly very much more crowded than it was then; I should add, perhaps, that it is not well understood, I think, by most people what the rapidly growing demand for additional facilities for transit is; I have collected a few figures, and those I propose to give here as the basis of the estimate which I formed for the use of Broadway for rapid transit purposes; now, in 1850, with a population in New York of 510,000, the passenger circulation was 6,835,548; in 1854, with a population of a little less than three times as great,  
1055 the passenger circulation was fifty-five times as great.

*Commissioner Harris:* You mean in 1884, not in 1854.

- The Witness:* Yes, 1884; the passenger circulation was fifty-five times as great, and had reached in extent 284,115,562; this is taken from the reports for the last year; now, the steady increase of population, varying a little one five years from another—but the average, steady increase of population has been fifteen per cent. every five years, while the increase of passenger traffic every five years has been seventy-five per cent.; the result of this will be that if the same ratio keeps on for another five years, in 1889, five years hence, the passenger traffic of this city will be, if we can provide for it, 497,202,750; now, all  
1056 the elevated railroads combined carried last year only 96,000,000 and a few thousand of our long passengers, and I think they have done their utmost; I think so because a large proportion of those who ride upon them (I do myself) have to stand up and hang on the strap as we had to do in the olden times; well, the horse-cars carried last year—the traffic of last year amounted to 187,413,242; and all the horse-cars and all the elevated cars combined carried 284,115,562; but I have just said that the traffic will in 1889 be 497,202,750; now I ask what shall be done with the surplus of 213,000,000, which is twice as many as all the elevated roads carry together; what will be done with that surplus in 1889; now, they must go afoot, or they must go out of the city to live, for it will be impossible then even to

get a stand-up place in a car and hang up by the strap ; to my mind the absorption of Broadway below Fourteenth Street by a horse-car company is the utter and complete annihilation of all hope for rapid transit such as the city demands in the future and in so short a period of time as five years yet ahead of us ; and I believe that if Broadway is appropriated to a horse-car company, in the next decade the pressure of the island will be such that the people of this city will be called upon to pay \$100,000,000 to carve out a new avenue for rapid transit through solid blocks of buildings all the way down ; that avenue is now open, free, in Broadway ; I think it ought to be kept so until railroad companies can be found that will use Broadway in a manner which shall accommodate the people of the entire city ; and that accommodation will only be complete when the people are carried from the Battery to the Harlem River in commodious cars quickly, at all hours of the day and night, and at five cents fare ; I believe Broadway furnishes the means of securing just those conditions for the people of New York ; I believe that a franchise such as the National Cable Company have acquired, or such as the Broadway Underground Railroad Company has acquired, if the conceded right were given to either to build upon or under Broadway, that it would furnish just those facilities ; and I believe that any amount of capital lies behind it ready to be put in such an enterprise whenever the right to construct the road shall be beyond question.

Q. What effect do you think building a horse railroad on Broadway from Fourteenth Street to the Battery would have upon property ? A. Well, I would rather not answer that question ; I am not a property-owner on Broadway below Fourteenth Street, and I never considered the effect upon the property on the street as entering into the discussion at all ; and, not owning property there, my testimony would not be entitled to great weight ; but if I would express an opinion I should only say that universal experience has shown that property advances in value where the people go ; and if the people can be coaxed down Broadway it would advance the value of the property, and if they were driven out of Broadway it would recede in value ; but I don't think the effect of a railroad, in enhancing or depreciating a piece of property on Broadway should determine that question, because if it did it would

1060 be to surrender the right of the whole people in Broadway to the interest of those people who might be living upon it. Q. You think that if a railroad is built on Broadway it shall be a road that will accommodate the largest number of passengers and give the cheapest fare? A. They should accommodate the people of the whole city; Broadway belongs to the people of the whole city, and I think to give it up to a horse-car company would deprive them of the advantages I have spoken of.

*Cross-examination by Mr. Bright :*

Q. Mr. Church, do you want a railroad in Broadway? A. I do of a certain kind, decidedly. Q. Do you feel that there is a pressing need for a railroad in Broadway? A. I do for a certain kind, decidedly. 1061 Q. What is the particular road that you have a deep interest in? A. I have no deep interest in any road. Q. What is the particular system that you have a deep interest in? A. I am strongly in favor of the Underground Railroad on Broadway, because I think it will carry—— Q. Don't give any reason, please; only answer the question. A. I am only giving—— Q. No, no; answer the question? A. And I am also in favor of the cable road on Broadway. Q. Are you counsel for either a cable road or an underground road? A. Neither of them. Q. Are you a stockholder, actual or prospective, in either of those roads? A. I don't know what may be the good luck in store for me, but I am not at present either a stockholder or bondholder in either. 1062 Q. You then feel the present condition is a very unfortunate one? A. I think the present condition of it is a fortunate one for the people of this city; it would be unfortunate if appropriated for a horse-car road. Q. I ask you, if you don't think, in view of the necessity of the city, the present condition of Broadway is a very unfortunate one? A. No, I think it is fortunate, in view of the condition of the city; fortunate only because it is vacant. Q. Do you recognize the fact that the car lines on each side of Broadway are crowded, and overcrowded? A. I do. Q. Going north and south? A. I do. Q. And does that fact present to your mind a strong argument in favor of new transit accommodation of some kind in Broadway? A. Yes, sir; transit of some kind in Broadway, certainly. Q. Do you recognize the fact that business has



deserted Broadway for the want of proper facilities 1063  
of transportation? A. I think it has fallen off. Q.  
Business of all kind? A. I think so. Q. Do you  
know the fact from your investigations and inquiry,  
that there are large numbers of stores and lofts un-  
occupied and unrented in Broadway? A. Some  
time ago I counted them; yes, sir. Q. What was  
the result of your count? A. Well, I can't recall it  
with entire accuracy, but I think I counted seventy-  
five, at least, above Canal Street; between it and  
Fourteenth Street, at that time. Q. And does that  
state of things continue? A. So far as I am aware,  
sir, it does. Q. Do you recognize the fact that the  
principal and important hotels of the city have de-  
serted Broadway? A. I think the tendency of  
hotels is up town; yes, sir. Q. And is the same  
true of the theatres? A. I think so. Q. Do you 1064  
recognize the fact that the principal business of the  
city that has deserted Broadway, and the principal  
hotels, and the principal theatres that have deserted  
Broadway, as well as those that have been added to  
the number up town, are upon the lines of horse-car  
roads? A. I think they are, as a rule. Q. Then  
when you say that you think that Broadway be-  
longs to the people, you mean that in your judgment  
the people have a very great interest in having a  
railroad in Broadway at an early day? A. A very  
great interest in—— Q. No, just please answer my  
question without any qualifications. A. I cannot  
answer it without qualification. Q. Can you an-  
swer it yes or no? A. No, I can answer it never-  
theless. Q. Oh, undoubtedly; I want to escape  
your argument; I want the fact. A. You cannot 1065  
escape it if you want my answer. Q. You are a  
lawyer, and therefore you recognize the propriety of  
my objection; I think, if you will consider it, you  
will see it admits of a direct answer, and I will ask  
the stenographer to repeat it to you. (Question re-  
peated). A. Yes, sir; I think they have. Q. Have  
you read the Act of 1884? A. I think so. Q. Are  
you aware of the fact that that law provides for the  
adoption of any new motor in the future by any  
company that may be organized under it? A. I  
think it does.

*Mr. Bright:* That is all.

*By Mr. Fuller:*

Q. Mr. Church, what kind of a railroad are you  
in favor of? A. I think it should not be a horse-

1066 car railroad; I think any kind of a railroad that will afford quick passage, cheap passage, and commodious passage is very desirable; and the people of New York are greatly interested in having it in Broadway.

*By Mr. Bright:*

Q. You are a lawyer, I believe, Mr. Church? A. I am, sir.

*By Mr. Beaman:*

Q. Where do you live, Mr. Church? A. I live in Eighty-third Street, between Eighth and Ninth Avenues, on the west side. Q. Why do you think it would be an objectionable thing and a calamity to  
1067 have a horse railroad in Broadway? A. Because it takes the street away from the possession of more rapid and better methods of transit; appropriates it to an inferior method when better methods ought to be used. Q. Please explain more fully what you mean? A. By "inferior methods" I mean that a horse-car is almost an obsolete method of long travel in New York; by "better methods" I mean cars propelled by steam, electric motor, cable or compressed air, or whatever else may be better than they. Q. Broadway, if I understand you, is the only artery left, in your opinion, to be applied to rapid transit? A. The only one that I think is available to us. Q. From the Battery up? A. Yes, sir. Q. Making such connections above Union Square as should be found to be best? A. Yes, sir. Q.  
1068 And, if I understand you, you are of the opinion that in that situation Broadway should not be appropriated in any way to any corporation unless it was certain that that corporation would furnish the very best existing means of transit, and not only existing means of transit as far as Union Square, but all over the city? A. That is my opinion. Q. You fear that if a corporation like a horse-car line got rights there, which they considered chartered rights, or franchises, that practically it would be difficult, if not impossible, to get rid of them? A. That is my view. Q. They would have to be bought off, or in some way or other got rid of? A. That is my view. Q. And therefore, in your judgment, it would damage the chances for any such rapid transit as you think ought to come? A. That is my view.

Q. Is that your view about it? A. Yes, sir; that is my view exactly. 1069

Q. Therefore, as you look at it as a citizen, you think it would be wiser, even if some road was wanted, for the time being to have no road rather than have a horse railroad? A. I

think so; I think the street should be held vacant until those conditions are secured. Q. Have you

ever thought at all of the value of the exclusive right to carry passengers up and down Broadway, between the Battery and Union Square? A. I have

thought about it. Q. Did you come to any conclusion as to its value? A. I have formed my opinion

largely from offers that have been made for such a franchise—a million dollars on one occasion. Q.

That was for a horse railroad? A. Yes, sir. Q.

But in no other way have you considered the question, or considered the amount of travel that could 1070

be carried on Broadway? A. I have no doubt of its value to the owners on the line of the road as a

horse-car road; but I do not think that the interest of the owners on the road are to be preferred to the

interests of the whole people; that is my view of it. Q. What did you mean by stating that, in your

opinion, Broadway belongs to the people of the whole City of New York, and not to the property

owners. A. I mean by it that it is the possession and ownership of the whole people; the title to

Broadway is in the people of the City of New York and the people of the State of New York, held by

the people of the City of New York in trust for the people of the whole State; I think it ought not to

be given over to the exclusive use of any corporation, except upon conditions which would promote 1071

the whole general welfare. Q. And you think, then, that there is no one class of people, if I

understand you, either property-owners, or truckmen, or foot passengers, or anybody else, that should

have the exclusive say about it? A. I do think that. Q. That they should consider the interests of

everybody? A. Yes, sir. Q. Should they, in such a matter, in your judgment, consider the interests

of people that live outside of the City of New York, or should it be limited to New York City

people? A. I think it should be limited primarily to the people of New York City.

Q. That it should be considered as a question as to what will, in the best way, accom-

modate the business of the city, and build

- 1072 up the city, and increase its taxable value?  
 A. I think so. Q. You have spoken of theatres and hotels and such things? A. If the counsel will allow me right here, I will add something that I should have said before, and it will come right in place here, for I may forget it; I am a taxpayer in New York, and I think that the consideration of the mere convenience of travel upon the road is not the only consideration that should determine the use of Broadway; it is the influence of that road, running through Broadway, upon the general property of the City of New York, and its consequent revenues to the City Treasury; that is a taxpayer's point of view that also should have a very large controlling power in disposing of Broadway; now, the elevated
- 1073 railroads gave a great stimulus to building up town, and the increase of assessed valuations in the three up-town wards of New York—the 12th, 19th and 22d—and the lowest ward in New York, the 1st, all of which were stimulated by those roads, has been, in the last five years, \$200,000,000; I think that was the effect of making up-town property accessible to the people of New York; a horse-car road in Broadway would not have that effect, would exert no sensible influence upon it, but a railroad in Broadway that should make the upper parts of the city equally accessible, and the sides of the city, at the lowest price, would so stimulate the building that I think the increase would be much greater in the next five years in the assessed valuation of the
- 1074 property, consequent upon such a road, and the Treasury of the City of New York would be greatly benefited, and the relief to taxpayers would be greatly in excess in the next five years of what it has been in the last five years, and that that consideration enters largely into the question as to how Broadway should be disposed of in the matter of transit. Q. What, if any, attention have you heretofore paid, Mr. Church, to the matter of rapid transit to this island generally? A. About fifteen years ago I entered very largely and heartily into the measure to provide by law for the construction of rapid transit railroads in the City of New York by the City of New York, on the same basis as the City of New York constructed the Croton Aqueduct and intro-

duced water; I thought the same reasons that called 1075  
for that measure as a city work applied to the ques-  
tion of rapid transit, and I worked very hard for five  
years, and had successive bills for that purpose before  
the Legislature, but other schemes, like the Viaduct,  
crowded them out, and it was never adopted as a  
measure; I think it ought to have been; I think  
the revenues of such roads would have in time  
paid our entire city taxes, and would have relieved  
the taxpayers from paying taxes altogether; that  
was some fifteen years ago that I commenced, and  
followed it on for five or six years, and then the ele-  
vated roads came on and settled the question. Q.

What, if anything, have you had to do with cable  
roads, or what investigations have you made of cable  
roads or underground roads on Broadway? A. I 1076

have visited the City of Chicago and the City of San  
Francisco, and have ridden on the cable roads in  
both cities, and spent some time in examining their  
general characteristics, and I came to the conclusion  
that they would be exceedingly useful and well  
adapted for introduction in the City of New York.

Q. Do you think they would be useful and practica-  
ble and well adapted for use on Broadway between  
Union Square and the Battery? A. I think they  
would be; there are more obstructions there than  
in other parts of the city less densely crowded.

Q. They would, of course, suffer if they were on  
the ground—suffer from the obstructions they would  
meet in the street more or less? A. Yes, sir. Q.  
Have you investigated the matter of an underground 1077  
railroad on Broadway? A. I have, considerably.

Q. What investigation have you made and what  
opinion have you arrived at with reference to it?

A. I have studied the engineer's plan for a road  
proposed for an underground road in Broadway; I  
thought them exceedingly adapted to the purposes  
of a rapid transit road; I believe it is the best pro-  
ject and meets for the next fifty years more fully the  
wants of the people of the City of New York for  
cheap and rapid transit than any other method that  
has been proposed, both on account of the speed and  
of its great capacity. Q.

Do you think that it would  
be practicable to build such a road under Broadway?

A. I have no doubt of it. Q. What opinion have  
you as to the ability to find capital either for a cable

- 1078 road on Broadway or for this underground road under Broadway? A. I think that there is no difficulty in either of them, with such knowledge as I have on the subject. Q. What opinion have you now as to whether or not, assuming that it could be done, it would be a wise thing for the City of New York itself to undertake the business and ownership of an underground road on Broadway? A. The conditions are somewhat changed since the Elevated Railroads have been built, but I think that New York City missed a great opportunity when it failed to take charge of the subject of rapid transit—take it in its own hands and build its own roads and collect its own revenues; I think it would be wise to-day; I think that the City of New York could build the roads under Broadway, and running along on each
- 1079 side of the Central Park, issue bonds to construct those roads, manage them as the Croton water is managed, and that the revenues of those roads would in time relieve us from paying taxes in the City of New York. Q. And pay off all the bonds of the City of New York in time? A. I believe it would entirely, sir. Q. Are you a practising lawyer in the City of New York, Mr. Church? A. I am. Q. And you own property, I understood you to say, in the City of New York? A. I am. Q. What parts of the city? A. On the west side of the town. Q. Up town? A. Yes, sir. Q. Above Fiftieth Street? A. On Seventy-second, Seventy-third, and the Ninth Avenue, and Eighty-third, and so on. Q. And, if I understand you, a horse railroad on Broadway, from Union Square to the Battery, would not,
- 1080 in your opinion, favorably increase the value of that property up in that section of the city? A. I think it would not.

*By Mr. Bright :*

Q. One other question; I understood you, in your direct examination, to insist upon the importance of Broadway for a trunk line; is that your view? A. That is my view; yes, sir. Q. Will you tell us what you mean by a trunk line? A. I mean a line, say proceeding from the Battery, which should follow Broadway to Fourteenth Street, and then branch at different streets, as occasion required, and go to the east and west side of the city, and continue clear along to the upper part of the city—traverse the

whole city. Q. But it should be, in fact, a common route for unlimited branches in the upper part of the city? A. I think so. Q. So that all the future branch roads and direct roads that may grid-iron the upper part of the city shall converge and pass over this trunk line; is that your idea? A. So that they may converge and pass over it; I don't say that they shall; that is my idea. Q. So far as you can get them in there, you propose to do it? A. Yes, sir. Q. Is rapid transit to be the feature of this line through Broadway? A. Decidedly so. Q. And all your theories and preferences in regard to a railroad that you have expressed, relate to that particular use of Broadway—for rapid transit and for use by the converging lines of all the city? A. For rapid transit anyway, and supplying converging lines if they can. Q. So that you don't propose to provide for frequent stops as is customary by horse railroads? A. The Broadway underground— Q. No, no; answer that question, please. A. Yes, I do; and for long stops too; it is a four track road, containing two classes of trains, one, the through trains that stop only at an interval of a mile or more, and the other that make more frequent stops. Q. What will you do with our friend Clancy's trucks? A. I think if you are underground Clancy's trucks won't be there.

Q. Oh, you are speaking now of an underground railroad? A. Yes, sir, of an underground railroad. Q. Does that system of underground transit interfere with the present or any other use of Broadway on the surface? A. I don't think it does. Q. Then that scheme of yours leaves the question of the probable present use of the surface of the street an open one? A. So far as the Broadway underground railroad is concerned, it does. Q. You speak of a subterranean passage in the City of New York; do you feel that that would be a very desirable mode of travel for human beings? A. They travel that way in London; I don't know that we are more delicate here than they are there. Q. Have you experienced it there? A. I have not; I believe they have one there. Q. Have you ever been through our tunnel on Fourth Avenue from Thirty-fourth Street to Forty-second Street? A. Very many times. Q. Were you conscious of a dampness and noxious quality of the atmosphere there? A. I cannot say that I have been particularly impressed

- 1084 by it. Q. Have you ever noticed it? A. I don't know that I have, yet I may have done so; it don't impress me so now; I don't think an underground road is as pleasant as an overground road is; I never have; but it is a far better one for purposes of rapid transit. Q. You were speaking of Chicago and San Francisco; isn't it true that the avenues that are cabled in those cities are very wide; isn't it true that the avenues where the cable is in use in those cities are very wide? A. They are wide—not wider than our avenues here, but wider than Broadway. Q. And is it not the fact that they are adapted to those cities because the avenues are wide to a very great extent; didn't you recognize that in your qualification that you made that in Broadway the obstructions would be more frequent and serious? A. Yes, sir; I think that a wide avenue furnishes better facilities for a cable road than a narrow one. Q. During the limited time of your visits in Chicago and San Francisco, did you notice any interruptions to travel owing to breakdowns of various kinds on the cable road? A. I didn't see any breakdown during the time I examined the roads in either city. Q. No interruptions to travel? A. I saw none. Q. Do you not think that there is a very urgent need of convenient transportation on the surface of Broadway between Grand Street and the Battery for short trips? A. Passenger trips! Q. Passenger trips. A. I think so. Q. During all the busy hours of the day, is there not a constant and urgent need for such convenience? A. I should say there was. Q. Doesn't the necessity for transportation that will afford short rides, as occasion may require, exist in the lower part of Broadway particularly? A. Well, I am so much in the habit of walking in the lower part of Broadway that I don't know that I have felt any necessity. Q. Don't you walk because you dislike stages very much? A. I do. Q. And you wouldn't like to try to ride on one of Mr. Clancy's trucks? A. Not if I could walk. Q. If you had a commodious car, that was reasonably rapid, you would take it, would you not? A. I should, if I had any great distance to go. Q. Does not that necessity apply really throughout the greater part of Broadway, between the Battery and Fourteenth Street? A. I think it is necessary to have cars on Broadway. Q. That is not an answer to my question; does not the neces-
- 1085
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sity for some mode of transportation, to provide for 1087  
short trips on Broadway, exist throughout Broadway  
between the Battery and Fourteenth Street?  
A. I think there is a necessity for it; yes, sir.

*By Mr. Fuller:*

Q. Mr. Church, don't you think that a cable road  
can be worked with equal facility as a horse rail-  
road on any street, whether it is narrow or wide,  
and accommodate more passengers? A. I think it  
may be worked with equal facility, whether the  
street is narrow or wide; but the question whether  
the street is otherwise occupied by carts, &c., has  
more to do with the operations of a cable road than  
the width of the street. Q. But, in your opinion,  
can't a cable car go where a horse-car can go? A. 1088  
I think it can. Q. Do you think that any franchise  
should be granted to any company to carry passen-  
gers from the Battery to Fourteenth Street or Fifty-  
ninth street? A. No, not limited to that—not at  
all. Q. You think they should carry them to the  
Harlem River, with transfer tickets? A. I think  
that no road should be chartered on Broadway that  
don't provide for carriage to the Harlem River for  
five cents. Q. You are in favor of an underground  
road? A. Yes, sir. Q. Surface road? A. Yes, sir.  
Q. Elevated road? A. Yes, sir. Q. So that pas-  
sengers can pay their money and take their choice?  
A. Yes, sir.

*By Mr. Beaman:*

Q. If I understand you, in regard to the cable 1089  
road, you think it could go equally as well in Broad-  
way as a horse railroad? A. I don't say equally as  
well; I say they could go where a horse-car can go.  
Q. What do you mean—that it would or would not  
go, in your opinion, equally well? A. Well, the  
experience I had in riding in both those cities con-  
vinces me that a cable car can stop as quickly as a  
horse-car. Q. And start just as quickly? A. Yes,  
sir. Q. You have spoken about this underground  
road; you have been often in basement stores in the  
City of New York that are altogether underground,  
haven't you, where they are perfectly dry? A. Yes,  
sir; oftentimes. Q. Your attention has been called  
to the tunnel on Fourth Avenue; you are aware  
that most of this noisome smell that is spoken of is

1090 caused by the manure of horses, isn't it? A. I think it is. Q. If there was a cable running up Broadway, your opinion about it is that it could be stopped, and would stop, as easily as horse-cars wherever passengers wanted to get off? A. Yes, sir. Q. When you have spoken about this rapid transit to go right through, without stopping, you referred to the underground road? A. Yes, sir.

*By Commissioner Harris:*

Q. Mr. Church, what was the population of New York the last census? A. I don't know about that. Q. About 1,200,000, wasn't it? A. In 1880 1,200,000. Q. What do you estimate the population in the city to be now? A. About a million and a half. 1091 Q. What do you estimate the population to be ten years from now? A. Over two million; two millions and a quarter. Q. When, in your opinion, will the upper part of the island be built upon? A. I think that with more facility for getting up and down at a low price, at all hours, I think it would be built up solid in ten years. Q. And what portion of the Island is not built upon now? A. Of the Island? Q. Yes, sir. A. About one-half. Q. In ten years from now, upon your estimate, how can people from the upper part of the island, if it is built up solidly, be brought down to the lower part of the island? A. By the methods I have proposed; by the underground, I think, first; and by the cable 1092 road, second; and by the elevated roads; all three of them. Q. Can't underground roads be run through the blocks? A. I think so; and I think that will be inevitable if Broadway is excluded from becoming a channel of communication. Q. And how many elevated railroad systems would it require, supposing the island was all built over, as you assume, in ten years from now, how many elevated roads or systems of rapid transit, either elevated or underground or viaduct, would be necessary in order to accommodate the travel from the upper to the lower part of the island—on the island, and people that come to and fro, you know? A. Yes, sir; people coming to and from business every day. Q. Yes, sir. A. I think that the Broadway Underground Railroad, with its four tracks, will have a carrying capacity of 200,000,000 a year; the present four elevated railroads carried 96,000,000 last year, and you

see, therefore, that it is double the present capacity 1093  
 of all the elevated railroads ; I think that will last  
 for the next fifteen or twenty years ; but with the  
 addition of a cable road I think we are provided for  
 the next forty or fifty years. Q. The extension of  
 the city, if it is extended, geographically, would be  
 north, wouldn't it? A. Oh, yes ; certainly. Q. Up  
 into Westchester County? A. Yes, sir ; that is the  
 growth—north. Q. Have you made a study of this  
 matter of transit? A. I have ; I wrote a pamphlet  
 that was printed for the West Side Association years  
 ago ; indeed, I went very carefully into this state-  
 ment, tabulating the growth of the city and the  
 prospective growth ; that was several years ago. Q.  
 Why do speak of Broadway as adapted for an un-  
 derground road particularly? A. The bill that I 1094  
 once had in the Legislature to authorize the appoint-  
 ment of Commissioners to construct an underground  
 road in Broadway, itself provided for an under-  
 ground road that was proposed by that bill ; and I  
 made that a careful study, and I had a good many  
 plans ; I had the plans made by the engineers for  
 an underground road at that time ; at that time ele-  
 vated roads were not thought of, and I studied at  
 that time with a view to its capacity and its con-  
 venience, and its economy

*By Mr. Fuller :*

I would like to ask Mr. Church one more ques-  
 tion ; what facilities for going from the east to the  
 west side of town have we above Fifty-ninth Street. 1095  
 A. None at all that I am aware of, except One  
 Hundred and Twenty-fifth Street. Q. Not a rail-  
 road? A. Not a railroad. Q. Might as well have  
 a Chinese wall? A. Yes, sir ; for going sideways,  
 none at all. Q. (*By Mr. Bright*) : No cable road  
 up there? A. No cable road yet ; we will have one  
 though.

*By Mr. Beaman :*

Q. Could you, from figures in your possession,  
 quite easily, Mr. Church, present to us a statement  
 which would show the population of the different  
 wards in the city? A. I have such tables, but I  
 have not one of them here. Q. But I mean couldn't  
 you present one at some other time, easily, and  
 showing a rough map of the city, with the boundary

1096 lines? A. Oh, yes, sir. Q. Because, if I understand it, it is not, perhaps, absolutely certain that the ratio of up and down travel in the city will increase in the same ratio as the population; you think it will? A. I have a table giving the increase of passenger traffic every year from 1853 down to 1883; I can give that. Q. You could give that? A. Yes, sir; I could give that. Q. I should be glad if you would, and I have no doubt that the Commissioners would be glad.

*Commissioner Harris:* Yes.

*Mr. Beaman:* Then, if you will also, if you can conveniently, with a little rough map, show the population of the wards, because the question of the population in the different wards undoubtedly  
1097 has a great deal to do with the travel of parties to and fro.

*The Witness:* Yes, sir.

Q. What change do you expect to see, Mr. Church, in the part of the city below Fourteenth Street, at the time this island is all built over within the next ten or fifteen years, when we have got a population of two or three millions? A. I expect to see below Fourteenth Street a solid business, and it will be largely above it also. Q. A solid business? You mean a solid wholesale business below Fourteenth Street? A. Generally; yes, sir. Q. And the retail business will have gone where, then? A. Above it; between Forty-second and Fifty ninth. Q. Is there anything that can happen in your judgment, that will prevent this growth of New York,  
1098 if proper regard is paid to the facilities, and to the commercial interests of the city? A. I think not. Q. Since you began being interested in this matter of rapid transit, you have seen the city gradually growing in a north direction, and the wholesale business creeping up town all the time? A. I have. Q. And that tendency is irresistible, as I understand it, in your judgment, unless you practically stop, or block up the commercial interests of the city? A. Yes, sir. Q. Is it not, in your opinion, true that New York grows and has grown, substantially because it is a great commercial centre, both by its water approaches and by its land? A. I think so. Q. And the increase in its retail business is an increase as a commercial city, is it not? A. I think so. Q. You would be of opinion, would you not, that anything that would damage New York, as a

place for commerce or wholesale business, would, to 1093  
 that extent, check the growth of the city? A. I  
 think it would very largely; it is perhaps a matter  
 of curious interest, as showing the tendency of peo-  
 ple to ride in the city instead of going by foot, that  
 in 1860, the population of the city was greater than  
 in 1865 by 87,000; that was on account of the war;  
 we fell off a little in population; but while we did  
 that, we increased in passenger circulation more than  
 double—passenger circulation in 1860 being 38,000,-  
 000, and in 1865 with less population, 82,000,000.

*By Commissioner Harris:*

Q. Mr. Church, what do you say about the manu-  
 facturing interests of this city, as to their extent and  
 value? A. I am afraid you have got me there, sir; 1100  
 if I have collected any data on that subject, I haven't  
 it here; I have only a general impression that the  
 manufacturing interests of the city have very largely  
 increased. Q. Isn't New York the largest manufac-  
 turing city in the country? A. I understand so.  
 Q. And you can tell where the manufacturers are  
 chiefly? A. I think they are on the river fronts  
 largely. Q. Suppose the upper part of the island  
 was built up, what would be the population, do you  
 think, above Fifty-ninth Street? A. I think the  
 district of the island above Fifty-ninth Street, and  
 below the Harlem River, will sustain a population  
 of a million of people, independent of the new parts  
 of the city above the Harlem River and of the portion  
 below Fifty-ninth Street. Q. That is, between Fifty-  
 ninth Street and the Harlem River, there will be a 1101  
 million of people? A. Yes, sir; and who want a  
 right to get to their business on Broadway.

*By Mr. Fuller:*

Q. I didn't understand exactly, Mr. Church,  
 whether you had or had not made statistics of the  
 manufacturing interests? A. I said if I had I have  
 forgotten them. Q. Can you tell the largest of the  
 manufacturers as they exist in the City of New  
 York? A. I don't think I could; the machinery  
 men, who are engaged in furnishing engines for  
 shipping— Q. You have not particularly ever  
 thought of that matter? A. I don't think I could  
 go in that matter satisfactorily. Q. Where do you  
 think the manufacturing interests will go or be

1102 located when New York is, as it will be, all built up? A. Largely on the river front, I think. Q. On each river? A. Yes, sir; on each river. Q. What will lead them to locate there? A. The water facilities largely. Q. And they will want water facilities for getting their goods or shipping them? A. Yes, sir; I think the Harlem River within the next two decades will be the centre of New York, both in its business and in its population.

*By Commissioner Harris :*

Q. Harlem itself is going to be one of the most important business portions of New York, is it not? A. I think so; I think Harlem River will be the 1103 centre, and will be lined with lumber yards, and with brick yards, and supply yards of all kinds for building; it will become a great business artery, and the central part of its population. Q. If you have any statistics about the manufacturing interests we should like to have them? A. I will see if I can find them; there is a paper, if the Commissioners want it, which has very full instructions (hands Commissioners a paper).

*Mr. Beaman :* That paper, if it is in, should be marked and become a part of the testimony.

*Commissioner Harris :* Yes, sir; just mark it. (Clerk marks it Exhibit A of this date).

Q. (*By Mr. Beaman*): That is a statement of travel from year to year? A. Yes, sir.

1104

JAMES CLANCY, recalled for further cross-examination.

*Examined by Mr. Bright :*

Q. Mr. Clancy, I don't recollect where you stated that you received your freight—fruit principally? A. I stated from above Dey Street—at Dey Street, and from that to Twenty-sixth Street, North River—on the North River front. Q. Then it is principally on the west side of the island near the river front? A. No, not exactly; a large portion of it. Q. When fruit is brought here from distant points by ships, where are the ships principally unloaded? A. Well, at different piers on the North River and East River, and in Brooklyn. Q. So that for the most part trucks and truckmen that handle that freight

receive it at the river front on one side or the other 1105  
of the island? A. Yes, sir. Q. You recognize  
the fact that Broadway is a fine thoroughfare? A.  
Yes, sir; I do. Q. Is it not a beautiful thorough-  
fare? A. Yes, sir. Q. The most interesting public  
street that we have? A. Yes, sir. Q. How is  
Broadway to-day principally occupied—by what  
kind of vehicles? A. I think the lower part of it  
principally with business vehicles. Q. From the  
Battery up to what point is it principally occupied  
by business vehicles? A. Up to Fourteenth Street,  
I should think. Q. And by business vehicles, do  
you mean freight vehicles of various kinds? A.  
Yes, sir. Q. Such as trucks? A. Yes, trucks. Q.  
And carts? A. Yes, trucks and carts; and dry-  
goods wagons, &c. Q. Is it not substantially true 1106  
that Broadway is exclusively occupied by trucks  
and carts of various kinds, and by stages? A. Yes,  
I think that is so. Q. It is a rare thing to see a  
citizen venture there with his carriage among these  
truck-drivers, is it not? A. Oh, no; not rare. Q.  
Is it a common thing? A. Well, if I might ex-  
plain— Q. No, no; is it a common thing? A.  
Well, I think so; I think you can find them almost  
any minute in the day if you feel disposed to look  
out on Broadway. Q. Then, is it the fact, in your  
opinion, that these thousands of freight trucks of  
all kinds use Broadway? A. Yes, sir; they do. Q.  
You have licensed trucks up in the neighborhood of  
six thousand? A. Yes, I think as many as that; I  
have a number up in five thousand. Q. And prob- 1107  
ably there are a great many more than six thousand?  
A. Yes, sir. Q. And is it your judgment that all  
of these truckmen, with their vehicles of various  
kinds, resort to Broadway if they can? A. Yes,  
sir; simply because we are compelled to. Q. No;  
don't give any reason, please; they do, if they can,  
don't they? A. If it is in their line— Q. An-  
swer my question, if you can, as I put it; do you  
not think that all these truckmen resort to Broad-  
way in making any trip, if they can? A. Yes, sir,  
because it is to their advantage to do it. Q. They  
do? A. Yes, sir. Q. And you, if you receive  
freight on the west side of the city at the dock in  
Dey Street, and you want to go to St. John's Park,  
you drive for Broadway, do you not? A. No. Q.  
How do you? A. The best route we can find. Q.  
I want to know what route? A. Well, if I was at

1108 the foot of Canal Street— Q. No, I don't ask you that; I ask about the foot of Dey Street? A. Well, foot of Dey Street— Q. Yes, you take fruit from Dey Street? A. Yes, sir. Q. And suppose you wanted to take it to St. John's depot, how do you get there? A. Well, sometimes we take one route and sometimes another. Q. Do you usually take Broadway? A. Well, not usually, not from that point. Q. What route do you usually take? A. Well, we go up West Street to a certain point—say two blocks—and then we go up and take Greenwich Street on the upper track, and then we take some of the cross streets that will take us over to Hudson Street.

Q. Hudson Street is a wide street? A. Yes, sir.  
 1109 Q. West Broadway is a wide street, is it not? A. Yes, sir. Q. Is not West Broadway very much wider than Broadway? A. West Broadway? Q. Yes. A. I think not. Q. Take West Broadway from Chambers Street up to Canal Street, is it not very much wider than Broadway? A. Not very much; I don't know just what the width of it is, but I should not think it was very much wider. Q. Do you recognize the fact that it is wider? A. I don't hardly recognize it; it may be; I can't say positively. Q. It certainly is not narrower? A. I don't know just exactly what width West Broadway is. Q. There is South Fifth Avenue, is there not? A. Yes. Q. That is a continuation, practically, of West Broadway? A. Yes, sir. Q. No  
 1110 railroads in South Fifth Avenue? A. No, sir. Q. Wide free street? A. Yes, sir. Q. And there you have, from the neighborhood of Dey Street up to Washington Square, a district and continuous route for driving, have you not? A. Yes, sir. Q. Suppose now that you desired to go from Dey Street with a load to Thirty-fourth Street and Sixth Avenue; would you go for Broadway? A. Yes, sir. Q. Why? A. Because it is a better road—better street. Q. More to see, is there not. A. No, sir. Q. More interesting drive? A. Of course there is a little more to see, but it is a better road. Q. Going with a load, do you and all those who are similarly employed walk? A. What? Q. Do you walk your horses with a load? A. Yes, sir; usually. Q. Then with your freight, and all other truckmen with their freight, who seek Broadway from the same motives that you do, strike it and walk along the



street to the end of it, do you not? A. Yes, sir. 1111  
 Q. And after you have reached Thirty-fourth Street and Sixth Avenue—or rather, would you leave Broadway at Fourteenth Street in going to Sixth Avenue and Thirty-fourth Street; what route would you take? A. I think we would probably go down Fourteenth Street or some of those Streets—Seventeenth Street, probably—some of those cross streets and take Fifth Avenue. Q. Fifth Avenue is a nice street for your pursuits? A. Yes, no railroads there. Q. You like it, and all truckmen like it? A. Yes, sir. Q. And you all take Fifth Avenue when you can, don't you—when you are up in that neighborhood? A. Yes, sir. Q. And you would come and make speeches against any proposed railroad in Fifth Avenue, wouldn't you? A. Yes, sir; I would. Q. Because it would interfere with your trucks? A. No, sir; on general principles, as a citizen—as a public spirited citizen. Q. On the principle that a load of such freight as you sometimes have would look better in Fifth Avenue than a handsome car? A. No, sir; if I hadn't any other motives or purpose I shouldn't be here unless I was compelled to come; I am here simply as a citizen who is interested in the best interests of the city. Q. May be you are a citizen and may be a partisan, and that is what we are trying to discover? A. No, sir; I am not a partisan; I am not coming here as a partisan; I am here as a citizen. Q. You say you would leave the foot of Dey Street and go up Broadway in order to go to Sixth Avenue and Thirty-fourth Street? A. Yes, sir. Q. And do you recognize the fact that that is not the most direct course? 1113  
 A. I tried to; say that when we take—— Q. No, no; I beg your pardon; I want you to answer my question; do you not recognize the fact that going by Broadway is a longer route than is necessary? A. We prefer sometimes—— Q. Don't answer anything but my question; isn't it longer? A. It depends altogether what point we want to strike. Q. No, no; answer the question; isn't it further going by Broadway from the foot of Dey Street to Thirty-fourth Street and Sixth Avenue? A. I don't think so. Q. Wouldn't it be more direct to go up West Broadway and South Fifth Avenue to Sixth Avenue; and directly up Sixth Avenue? A. If we want to get to that point—— Q. It would be more direct, wouldn't it? A. Not much. Q. Would it

1114 be any more direct? A. I think there is very little difference to that point.

Q. Suppose you wanted to go from Fulton Market, on the other side, up to the Everett House or the Park Avenue Hotel, with a load of truck, how would you go there? A. Fulton Market? Q. Yes. A. Go up Fulton Street and strike Broadway. Q. You would take Broadway again? A. Yes, sir. Q. Every time? A. Every time. Q. And every truckman will do the same thing? A. If he thinks well he will; if he thinks anything of his stock and the wear and tear of his trucks he certainly will. Q. And he wouldn't go up through Pearl Street and New Bowery and the Bowery? A. I say if he hadn't any regard for his horses and trucks. Q. No, no: 1115 we will leave that out for the present; I am speaking about directness; I am speaking about directness of routes; you have said there is but one route and that is what I am examining you about; leaving Fulton Street with a load, couldn't you go into Pearl Street and New Bowery and the Bowery and Fourth Avenue and reach the Everett House by a more direct route than to go up Broadway? A. I think not; no, sir. Q. Is it longer or shorter? A. Shorter. Q. It is shorter? A. I think it is shorter to go up Broadway. Q. I must commend you to the map? A. Well, I may be mistaken. Q. The Bowery is a wide street, is it not? A. Yes, sir. Q. New Bowery is a wide street? A. Yes, sir. Q. Fourth Avenue is a wide street? A. Yes, sir; and all have 1116 got railroad tracks. Q. All have got railroad tracks? A. Yes, sir. Q. And there is something there that you can't make get out of your way every time, isn't that about all there is of it? A. No, sir. Q. Something that you can't run down with impunity? A. No, sir. Q. Is there any better argument than that? A. Yes, sir. Q. When you have it in your power, going up the Bowery, to go on the east side or west side of the tracks where two or three or four trucks can go abreast, why should you object to the presence of track? A. Because we have to cross it and recross it from time to time; I don't know how many tracks there are there, but there are tracks all over the Bowery. Q. There are four, I believe? A. I don't think you can hardly go there without striking a track; there are many spots you can't escape a track. Q. Is that your only reason for leaving the Bowery untouched, that you have occasionally to

cross the rails? A. Because we don't like them. Q. 1117

That is the only reason, then, you don't like to cross them? A. No, sir; it is better to travel, better and easier for horses and less wear and tear where there is no track. Q. Why should there be less wear and tear on the trucks along the sides of the streets? A.

Well, other streets are better paved. Q. Then that brings me to another question; you spoke at the last meeting of the difficult passage through the streets that run parallel with Broadway on the west, and you spoke about the condition of pavements here and there; is that a strong reason with you for not traveling in those streets? A. Yes, it is. Q. If that difficulty should be removed, then so far new avenues would be opened for that traffic? A. If railroads should be taken off the railroad tracks? A. 1118

No, no; if those imperfections in the street should be repaired, then, to that extent, new avenues for the travel of your trucks would be provided? A. It would help us. Q. It would help you very much? A. Yes, sir. Q. Yes, sir. Q. Do you think it is best for intelligent gentlemen to act upon the principle that West Street is always going to be full of ruts and therefore refuse to improve Broadway? A. We have had experience for about fifteen or twenty years and it don't get any better. Q. Let us see about that; are they not widening West Street now to two hundred and fifty feet? A. Yes, sir; the upper portion of it, working at it. Q. What is going to be the effect of that? A. Well, it is going to be a nice thing. Q. Do you think you would be willing to go so far away 1119 from the beauty and fashion of the city as to travel there when that road is completed? A. I should think we wouldn't be averse to traveling there. Q. And then there certainly is a new avenue being constructed two hundred and fifty feet wide, is there not? A. Yes, sir.

Q. And can you think of any possible excuse for not traveling on that? A. No, sir; I can't. Q. There will be a railroad on some part of it? A. I presume so. I suppose so, of course. Q. From the fact that there is a railroad on one part of it—would that prevent you traveling on the rest of it and make you go to Broadway? A. Not necessarily, if there is room there. Q. Suppose you are traveling down town in the morning with a truck, walking your horses, as perhaps they alone can walk, loaded with fruit, and a car is coming loaded

- 1120 with gentlemen, merchants, bankers, anxious to get to their business, as I understand it you regard it a great hardship that you should have to get out of the way to let them go down town quick? A. No, not necessarily. Q. Didn't you make it a subject of complaint with you that if you got on a track you had to get out occasionally? A. Well, I stated that as a fact. Q. You think it is a fact which is an argument against having any railroad anywhere, don't you? A. Especially in Broadway. Q. You would be very unwilling to have the bankers and brokers, and lawyers down town have any means of getting down that would compel you to step aside? A. Not at all, sir; if I had a man that didn't step aside, and delayed a load of passengers in a street
- 1121 car, and he persisted in it, I should discharge him; I wouldn't allow him to do such a thing. Q. Why do you complain about it? A. Only because it is made a misdemeanor if you do not; next, I complain of it because of the condition of the streets and the railroad track—the condition of the railroad track in those streets. Q. At all events you recognize the fact that west of Broadway there is New Church Street, and Church Street, and Mercer Street, forming a continuous line up to nearly Fourteenth Street, do you not? A. Yes, sir. Q. You recognize the fact that there is West Broadway and South Fifth Avenue forming a continuous line to Fifth Avenue and by a slight turn a continuous line with Sixth
- 1122 Avenue, do you not? A. Yes, sir. Q. You also recognize the fact that still further to the west there is Greenwich Street and Washington Street, forming continuous lines far up town in connection with Hudson Street and all the connecting avenues and streets, do you not? A. Yes, sir. Q. And also, that this great avenue about two hundred and fifty feet on the outer border of the island is being completed? A. Yes. Q. Further up town there are the parallel roads—Mercer Street, Green Street, Wooster Street, Thompson Street, University Place, and, still further up, Sixth Avenue and Seventh Avenue? A. Yes, sir. Q. Those are all continuous routes connected in substantially direct lines up town and down town, are they not? A. Yes, sir; and I want to say that they are full. Q. What? A. I want to say that they are all full. Q. Do you recollect any railroad in Mercer Street? A. No,

sir; none in Mercer Street. Q. Do you ever pass 1123 through it? A. Yes, sir. Q. Do you ever pass

through it when both sides are not obstructed and an intolerable nuisance from truckman leaving their trucks their while they are sleeping or eating, or resting? A. Yes, sir. Q. Is it not a fact that it is so obstructed all the time? A. I think it is more or less a necessity, because these men are employed by the houses—— Q. No, no, I don't want the reason; I want the fact; is it not the fact that the next streets, Thompson Street, Greene Street, and those streets are also infested by truckmen with their trucks occupying both sides of the way and leaving only a narrow way for other vehicles? A. They are compelled to occupy it, and they are licensed to occupy it. Q. Therefore you admit then 1124 that they do? A. Well, they can't help it. The houses that employ them do their business on those streets and they occupy only the fronts of the houses they are employed by. Q. What will insure us against them occupying the sides of Broadway by and by? A. There is nothing to insure you now; we are licensed to stand there; here is a man that occupies a house and does business—— Q. Never mind about that; now, another question, Mr. Clancy; how many loads have you delivered within a year in Broadway? have you delivered any? A. In Broadway? Q. Yes. A. I don't think I have delivered a load. Q. Have you delivered a load in Broadway in ten years? A. Not a full load; I don't think I have. Q. And yet you obstruct it 1125 every day in your life—you and your men? A. Yes, sir; can help it.

Q. We differ there; but you admit the fact that you do? A. I use it, yes; I am licensed to go on there; I am licensed to use every street in New York City without any regard to Broadway or any other street; but we are not licensed to stand in front of somebody else's business house, and we can be arrested and locked up if we persist in occupying anybody else's premises. Q. I am truly thankful that that is so—that is our only safety; you spoke the other day of the necessity of having policemen at various corners to make these truckmen recognize people's rights? A. I don't think I stated expressly truckmen. Q. Is there anything in Broadway but truckmen and stage drivers? A. Why, certainly; a truckman—— Q. Will you observe

- 1126 that, please; we won't discuss it now; I will ask you later about it; and tell me how many vehicles—private vehicles—you find in any afternoon on Broadway—vehicles other than trucks and stages? A. Carriages and hacks, business-wagons, express-wagons? Q. I was asking you about a trip that you might make from Wall Street up town; say you want to go from Wall Street to the Bowery, how would you go? A. I should probably go through Pearl Street. Q. Suppose you came up Broad Street with a load and wished to go to the Bowery, how would you go? A. I think I should probably go through Pearl Street, or some of those cross streets there, and strike the best point I could. Q. What other streets? A. Well, there is a neavy hill
- 1127 at the New Bowery and Chatham Street, and I would probably go along. Q. Would you go through William Street? A. Oh, no. Q. You could? A. Well, we have got a hill to climb when we get to William Street. Q. There is no railroad there, is there? A. No, sir; but it is a narrow street. Q. Then, so far as William Street extends, it is a natural relief to Broadway; is it not? A. Oh, yes, to a certain extent. Q. Do you ever avail yourself of it? A. Very often, and Nassau Street, too. Q. And then there is Nassau, too? A. Yes, sir. Q. Then, going further up, there is Crosby Street and Elm Street and Centre Street and the Bowery? A. Can't go up Crosby Street. Q. Why not? A. George Sharp has got possession of it.
- 1128 Q. Who? A. George Sharp. Q. You mean there is a railroad there? A. Yes, sir. Q. Nevertheless, the street is there. A. Yes, sir. Q. Now, do you ever go through Broadway, between Seventeenth Street and Twenty-third Street? A. Yes, sir. Q. Do you ever get blocked there? A. Well, not usually; no. Q. There is no trouble about it? A. There is not very much heavy teaming up there: the most people that do business up there have an outlet on the wide streets, and some of them on Fifth Avenue, so that there is no real necessity for going up that narrow portion of Broadway. Q. Broadway, from Seventeenth Street up, for many blocks, is narrower than Broadway below Fourteenth Street; is it not? A. Oh, yes. Q. And don't express-wagons and heavy vehicles travel there, and the stages? A. The stages do, I think there are two lines. Q. And there are how many

lines of cars traveling there? A. Above Seventeenth Street? Q. Yes. A. I guess there is only one, and that is the Broadway and Seventh Avenue; there is only one line, and that is the Broadway and Seventh Avenue line, that runs one portion to Broome Street and the other portion to Barclay Street, that is all that goes through there. Q. Is not there one other for a short distance? A. Yes, sir; there is one block, the Bleecker Street Company, they come through Sixteenth Street. 1129

*By Mr. Beaman :*

Q. Mr. Clancy, I would like to ask you a question; how does the amount of travel there on Broadway between Sixteenth Street and Twenty-third Street compare with the amount of travel of heavy vehicles on Broadway below Chambers Street? A. No comparison at all. Q. Where do a great many of the teams go—loaded teams—that are going above Fourteenth Street; which way do they go? A. West side—they go up Fifth Avenue. Q. Then they have that free thoroughfare and wide thoroughfare, which they use? A. Yes, sir. Q. And they don't occupy, as I understand you, or don't go for Broadway between Seventeenth Street or Sixteenth Street and Twenty-third Street, except they are to deliver goods right in that vicinity? A. No, sir. Q. And there are very few goods delivered in those blocks, as I understand you? A. Yes, sir; very few. Q. You have been asked about Mercer Street and various other streets, and your attention has been called to the fact that trucks stand there a good deal; why is that? A. Those trucks are employed by the wholesale merchants that do business on both sides of Mercer Street; Mercer Street was taken up largely by wholesale merchants, simply because there was no railroad track there, and it was adjacent to Broadway. Q. On that Street then there are facilities for loading and unloading goods? A. Yes, sir; without interruption. Q. What effect does a railroad track have along any street, so far as loading goods or unloading goods at any store front on that street is concerned? A. It interferes very much, very materially. Q. Well, does the scenery of Broadway or the desire of truckmen to see people on Broadway have anything to do with the fact that truckmen use Broadway? A. Not a 1130 1131

- 1132 particle. Q. State whether or not there is any object on your part, or on the part of your drivers, or so far as you know on the part of anybody driving a truck on Broadway—is there any object in driving a truck in the different parts of Broadway, except to drive it in a place which is the easiest to travel, and in which you can make the quickest time? A. That is the only object. Q. And whether you go in one street or in another street, that is the only object? A. That is the only object. Q. That is the only object that any of the truckmen have that you know? A. Yes, sir. Q. And if you found a truckman leaving one street and going in another street, it would be because that street is best for his business, and that is all about it? A. Yes, sir; that is exactly it. Q. You have spoken of West Broadway; is it not true that there are four tracks in West Broadway? A. Yes, sir; there is a portion of it that has four tracks. Q. Are you here in behalf of any association or of any class of people? A. No, sir; I am here simply as a citizen of New York City. Q. Is there any association of truckmen which have organized to oppose this matter? A. Not that I have any knowledge of. Q. Your truckmen that you employ are mostly men that live in the City of New York? A. Yes, sir. Q. And have families that are supported by their work? A. Yes, sir; I have had men that have worked for me fifteen years without intermission. Q. And your business is solely the carting or trucking of goods for merchants in the City of New York? A. Yes, sir.

*Mr. Fuller :* In order that the record may be correct, I think he stated that there are four tracks in West Broadway; I think he is mistaken about that.

*The Witness :* Well, I said there was a portion of the way.

*By Mr Bright :*

Q. Where is the part? A. Well, the cross-town cars come through Walker Street, and run along on the side of the Eighth Avenue and Broadway track, and then cross. Q. That certainly is but one short block, merely in making an oblique crossing, is it not? A. Yes, sir; I think that is all.



*By Commissioner Harris:*

1135

Q. What proportion of the stores on the west side of Broadway run through to Mercer Street? A. Well, I don't really know what the proportion is; there are some, but Mercer Street front is occupied by—that portion which does not run through is occupied by wholesale houses. Q. Mercer Street runs from Canal Street up to Eighth? A. Yes, sir. Q. And then below Canal Street, what street is there parallel with Broadway—the first street? A. Church Street. Q. What proportion of stores run through from Broadway to Church Street below Canal Street? A. I don't think there are any. Q. On the east side Crosby Street is the first parallel Street, is it not? A. Yes, sir. Q. What proportion of stores run through to Crosby Street? A. There is a large proportion; I don't know exactly. 1136

*Mr Beaman:* We shall have witnesses more familiar with that.

*By Mr. Beaman:*

Q. In some parts of West Broadway there are eight tracks, are there not, eight rails? A. Yes, sir; that is what I said.

*By Mr. Bright:*

Q. Only as you have stated where the cars come out of one street and cross over to the other corner? A. Yes, sir; and then up by Chambers Street the railroad company have taken the whole street there—it is about covered with rails, and they run switches off there. Q. Chambers Street and West Broadway? A. Yes, sir; run switches up there, and double up the trucks. Q. I don't recollect that; I think you are mistaken; however, we won't discuss it? A. Oh, yes, they run switches there—to switch off there—— Q. Very well; in coming up Chambers Street to strike West Broadway, going north, those switches that you now describe would not interfere, would they? A. What is that? Q. If you come up from the river through Chambers Street, from the North River, and desired to go up West Broadway, you could go off west of these switches, without their interfering with you in any way, couldn't you? A. Oh, yes, we could cross them. Q. You have spoken about the presence of 1137

- 1138 trucks in Mercer Street ; have you stated that fully and accurately ? A. So far as I know. Q. Does the same reason apply to Greene Street and Wooster Street ? A. I think so. Q. What merchants have their stores running through to the rear in either of those streets that presents any excuse for truckmen leaving their trucks there nights and in the day time too ? A. Oh, I don't say anything about that part of it. Q. That is what I was talking about ? A. Oh, no. Q. Is it not true that in all those streets truckmen leave their trucks after removing their horses, along the sides of the streets, all night and frequently though the day ? A. Well, I presume there are some trucks left there, but so far as regards that I am not—there are some stables along there
- 1139 and one thing or other, and those stables leave their trucks there probably over night. Q. In going up town, knowing that it would make you hesitate to go through those streets, because that would so much reduce the width of them, would't it ? A. Of course, if we thought we would find them obstructed we would not go up that way. Q. That is one of the reasons that would send you to Broadway instead of going up one of those streets, is it not ? A. If the trucks were left there over night— Q. No, because they are there when you want to go up ? A. Oh, no, we don't find those trucks there when we want to go up—not the trucks that stop there over night. Q. I found them there, when I came down town this morning in the cars. A. Probably you get
- 1140 down before some of these wealthy carmen go to work.

*By Mr. Beaman :*

Q. As you understand it, there are two classes of trucks stopping in the streets there, one of them waiting where they are employed ? A. Yes, sir. Q. Where they are to be loaded ? A. Yes, sir. Q. And another class where the trucks are put up for the night while the business stops ? A. Yes, sir. Q. Is it not true that these streets, that you have been inquired about, east and west of Broadway, are now occupied to a very considerable extent, by trucks and trucking ? A. Yes, sir. Q. Even though Broadway is full also ? A. Yes, sir. Q. There is a great deal of trucking on those streets at the present time ? A. Yes, sir.

*By Commissioner Harris :*

1141

Q. Mr. Clancy, I want to ask you a question ; where do the laboring classes reside chiefly in New York ? A. Well, along the west side below Fourteenth Street. Q. Above Fourteenth Street, in what direction are they going ? A. Now ? Q. Yes ; as they require more facilities for accommodation, for living, where do they go above Fourteenth Street ? A. Well, there is a certain number of people—a large number of people—working people—going up to Harlem, a great many on the east side—more on the east side, because it is built up more solidly, and now they have commenced to cross the bridge, people are moving across the bridge ; I moved up to Harlem a year and a half ago, simply because I found it advantageous, and the elevated cars were running, and I found I could get down to my business about as soon from Harlem as I could get down with a horse-car from Fourth Street, where I lived, and I lived there two Winters, and I suffered more in the horse-car from Fourth Street down to Reade Street, than I have suffered in two Winters coming from Harlem on the elevated road. Q. Do you know where the manufacturing interest are chiefly on the island ? A. Well, they are principally on the west side ; there are some large manufacturing interests on the west side, and on the east side there are some ; Herring's large manufactory has moved up on South Street, and taken in the whole block ; I think there is a great deal of working up in that direction. Q. How high up on the island are the manufacturing interests ? A. On the east side ? Q. Yes, on both sides ? A. Well, on the east side they are working around on to the Harlem River, up around on to the East River, and then around on the line of the Harlem Bridge, off on the east side ; on the west side they have not got up so far as that, but they are working along up ; the lumber interest and the brick interest, and the manufacturing interests are all going up gradually, working up on the west side ; Cornell's large iron works and Delamater have been stationary there for some time ; Cornell's folks, they went up there ; and so on along up on that side ; they are building up new piers there and accommodations for those interests. Q. Manufacturing interest are working up on both sides of the city ? A. Yes, sir.

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1144 H. A. CONKLIN, called in behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn testified as follows :

*By Mr. Beaman :*

Q. What is your business, Mr. Conklin? A. Trucking business. Q. How long have you been in that business? A. Twenty years. Q. How did you begin? A. Well, I began with one truck. Q. As a driver driving your own truck? A. Yes, sir; driving my own truck. Q. To what extent do you now carry on business? A. Well, I own and run, when we are busy, thirty-nine trucks and wagons. Q. That you own, and you hire the drivers? A. Yes, sir. Q. Where do you live? A. I live in 1145 Brooklyn—140 Rodney Street, Brooklyn. Q. Where is the bulk of your trucking business done? A. Well, right in this vicinity; corner of Hudson and Jay Street is where the larger portion of my business is. Q. Do you have an office? A. I have two offices, sir, one at 55 Hudson Street and one at 141 Pearl Street. Q. Will you describe your business as it takes place in any one particular day, say yesterday—what, as a matter of fact is the general course of your business? A. In what respect? Q. What your truckmen were doing yesterday—whom they were carting for and where they were getting goods and where they were delivering them and what kind of goods? A. Well, there are very few places in and around New York—shipping places— 1146 but what we do business with; there are very few steamers or railroads or steamboats running but what we do business with every day. Q. Whom do you get your goods for—what particular class of people or in what parts of the city do you deliver them; for whom do you work; have you any regular customers? A. I have; I cart for Austin, Nichols & Co., corner of Hudson and Jay Streets. Q. What is their business? A. Wholesale grocers: I cart for R. C. Williams & Co., corner of Peck Slip and Front Street; they are wholesale grocers; and I cart for several other similar houses. Q. Grocery houses? A. Not altogether grocery houses. Q. Do you do anything in the dry goods district? A. I don't do anything in the dry goods district. Q. Then your business is principally trucking in groceries? A. Yes, sir. Q. In what particular kind of groceries? A. All kind of groceries. Q. And you

are trucking for wholesale houses? A. Yes, sir. Q. 1147  
 Under what arrangement do you do this; so much  
 a day, or so much a year or so much a load? A.  
 So much a load. Q. Without regard to where  
 it is going? A. Well, if we take it to Brooklyn  
 or anything of that kind it makes a difference.  
 Q. But in city deliveries? A. Very little dif-  
 ference unless away up town. Q. You take  
 substantially their business at so much a  
 load? A. Yes, sir. Q. And the earnings of your  
 business depends upon the number of loads that you  
 can carry? A. Yes, sir. Q. Is that business equal-  
 ly divided in trucking goods that have arrived by  
 steamer to the New York houses and also in truck-  
 ing goods from the New York houses to steamers or  
 railroads? A. Well, we ship rather more goods 1148  
 than we ride in. Q. That is the way you speak of  
 it—"shipping and riding in?" A. Yes, sir. Q.  
 You ship rather more than you ride in? A. Yes,  
 sir. Q. How are the goods brought to the places  
 where they are sold that you don't ride in? A. Well,  
 certain manufactories or different houses do their own  
 shipping; for instance, sugar—all sugars are de-  
 livered at the stores; the different manufactories de-  
 liver their own goods; those we don't ride in. Q.  
 But those you ride out? A. Yes, sir. Q. Is most  
 of you business the delivering of goods to people in  
 New York City who sell again or is it delivering to  
 places of transportation goods that are going to  
 leave the city? A. More than two-thirds are ship-  
 ped. Q. That is goods sold in New York at 1149  
 wholesale to be taken elsewhere? A. Yes, sir.

Q. That is more than two-thirds of your busi-  
 ness? A. Yes. Q. And that forms more than two-  
 thirds of your deliveries? A. Yes, sir. Q. That is,  
 two-thirds of your deliveries are practically to  
 freight depots? A. Yes, sir. Q. What is the other  
 one-third of it more or less? A. We do some city  
 deliveries, and deliver in Brooklyn and Jersey City  
 to retail houses. Q. To retail houses from whole-  
 sale houses? A. Yes, sir; but that is only a small  
 portion of our business. Q. What in your opinion  
 would be the effect upon your business, the busi-  
 ness of moving about the goods that you move about,  
 if there was a double-track horse railroad, of the  
 ordinary kind, on Broadway between the Battery  
 and Union Square, with a track, the outside rails of  
 which were fifteen feet apart, or about that? A. It

- 1150 would take away from us the only outlet, without a track, that we have down in the lower part of the city, on the west side of the city ; we go invariably where we can clear a track. Q. Clear a horse railroad track ? A. Clear a horse railroad track. Q. Why ? A. For the simple reason that it is very damaging to our trucks and very damaging to the horses ; I have had such things happen as throwing the drivers from the trucks in going over switches in railroad tracks ; we are compelled to clear the track as soon as possible in going up and down to get out of the way of cars ; as soon as we possibly can get off the tracks we do so, and sometimes it is very inconvenient, especially where some tracks are very much raised from the surface, and there it is very
- 1151 hard to go with a loaded truck ; it is hard on the trucks and horses both, and most invariably where there is a railroad track, along the outer side our trucks form a groove—that is our trucks run along in the track with one wheel but not with the other, and it is very damaging to the trucks, and oftentimes puts them in very bad condition, and we are oftentimes very much troubled in getting in and out of those ruts. Q. What effect has the existence of a track or the running of cars on a street with reference to the blockade of the street ? A. Well, if a car stops on a narrow street it is very apt to stop other vehicles and block the street ; I have seen times on Washington Street and on Greenwich Street when it has taken an hour to go a block. Q.
- 1152 What has occasioned that block ? A. A car would be stuck on the track and we could not pass up or down. Q. The cars got cornered by some truck on the track ? A. Yes, sir. Q. And you could not get out of the way ? A. No, sir. Q. And the cars having no facilities to get out of the way everything is blocked ? A. Yes, sir. Q. What effect would the same number of cars running on Broadway have in regard to blocking the street, as compared with the same number of omnibuses ? A. Cars ! Q. Yes. A. Well, an omnibus can go around an obstruction where a car is compelled to follow on its own line—along on the track, and it is impossible for a car to get out of the way. Q. Then, by reason of this fact do cars block more or less than omnibuses ; in your judgment ? A. More, in my experience ; cars block a great deal more. Q. Have you driven a good deal yourself ? A. Yes ; I drove six

years myself. Q. Do you deliver or receive many goods on Broadway? A. We deliver some; very few. Q. Whereabouts on Broadway? A. Well, one or two of the restaurants along there have our folks deliver a few such goods; we deliver some goods to one or two of these cafés on Broadway. Q. What times of the day is your business carried on mostly? A. Between seven and six—seven in the morning and six at night. Q. Is there any particular time at which goods are to be delivered at the various depots? A. They have their times. Q. Have fixed times? A. Nearly all of the through freight lines close down at four o'clock in the afternoon; some of the local lines receive up to four. Q. Do your truckmen have fixed, by your rules, any specific routes in which they shall travel with loads? A. They have none by my direction. Q. What rules govern them as far as you know in going up and down the city? A. Well, they strike Broadway whenever they can. 1153

Q. Why do they do that? A. To get clear of the railroad track. Q. Is there any object that you know of which governs them, excepting that they want to go in the least time, in the shortest way and with the least trouble? A. That is the only object. Q. Their general direction is to go and deliver the load as soon as they can? A. Yes, sir; we often put loads on trucks, and oftentimes we are limited to a very short time to get there, and we often have orders to go to a particular place at a certain time, and we have to get there as soon as possible, so that the goods can be shipped. Q. Then, in the busy season is the time when there is the most necessity for your making a quick trip? A. Yes, sir. Q. And at that time everything is more crowded? A. Yes, sir. Q. And everything is crowding, as it were, everything else? A. Yes, sir. Q. That is the experience that you find? A. Yes, sir. Q. What effect would such a railroad as I have described—a horse railroad on Broadway—have upon the general business of trucking in the City of New York, and the delivery of goods for these various houses that you are delivering them for or receiving them for? A. The merchants doing business, of course, want their goods shipped, and they must be shipped, and if we put a load on and we are blocked so that we can't ship it, of course they suffer as well as we. Q. They suffer in not having the goods delivered, 1154 1155

- 1156 and you suffer in not earning the money? A. Yes, sir; that is it. Q. Would, in your opinion, the placing of a horse railroad on Broadway, with a double track, from Union Square to the Battery, delay and damage the transportation business in the City of New York? A. I think it would.

*Cross-examination by Mr. Bright:*

- Q. Do you think that less goods would be transported by trucks? A. I think there would; in my experience every street that has a railroad track in it is—— Q. No, no; answer my question; do you think that less goods will be transported by trucks in New York if a railroad is operated in Broadway? 1157 A. There would be more trucks needed to do the same amount of work. Q. That is a better argument for a road than I have heard yet. A. Very poor for cartmen, though. Q. I suggest that for Mr. Bergh; where do you keep your trucks? A. Day time or night? Q. At night time. A. At night time we keep them up at the stable. Q. Where is that? A. Our stable runs through from Tompkins Street to Mangin Street. Q. Are the entire thirty-nine kept there? A. Yes, all of them. Q. I understand you to say that you do not deliver goods in Broadway to any extent whatever? A. Very few. Q. And yet if you have a load you and your drivers seek Broadway? A. Yes, sir. Q. And if you are going without a load you also seek Broadway? 1158 A. Generally. Q. Are there times when you have to carry on your business in districts outside of Broadway altogether? A. Yes, sir; there are places where we go to that we do not need to touch Broadway. Q. And how long are those periods sometimes? A. What do you say? Q. Do those periods last for days sometimes? A. Oh, no, sir; but it is very seldom that we have our work concentrated so that we do not go to Broadway. Q. Is it so concentrated as to be substantially within regions outside of Broadway? A. During the whole day? Q. During the whole day or during a succession of days? A. There are very few days, take it through the year, that we do not have goods to ship on almost every street. Q. Would you like to put it in this way, that you think your livelihood is dependent upon the opportunities that you have of carrying your loads through Broadway, and



of returning through Broadway with your trucks 1159  
 unloaded? A. I wouldn't say that; no, sir. Q.  
 The traffic that you carry on in districts outside  
 of Broadway, do you regard that as paying? A.  
 Oh, yes, sir; for instance, if I go right through the  
 foot of our street to the Erie Railroad it would not  
 be necessary to go up Broadway. A. And you  
 wouldn't feel that your contact with poor pave-  
 ments or with railroads there destroyed your profit  
 or livelihood? A. I wouldn't need to swing my  
 trucks in that case only to cross them. Q. That is  
 one illustration of the fact that there are districts  
 outside of Broadway where cars do not encounter  
 railroad tracks? A. There are a very few streets  
 that you can cross without encountering a railroad.

Q. So that you have not come to the condition of 1160  
 thinking that your profits and livelihood were de-  
 stroyed because your had been kept out of Broad-  
 way for a period of time? A. Oh, I lived long be-  
 fore I went in. Q. Tell us within how recent a  
 period any driver of yours has been thrown to the  
 ground from one of your wagons? A. Well, I  
 couldn't tell you, sir. Q. Would you like to say  
 that any one of them was thrown off in 1885? A. I  
 would not; no, sir. Q. In 1884? A. I would not  
 like to say within ten years; I don't recollect. Q.  
 Can you remember a single instance where a driver  
 was thrown off from a truck? A. Yes, sir. Q.  
 Within ten years? A. I cannot say whether it was  
 within ten years or not; I know that cases of that  
 kind have occurred. Q. But you cannot name one? 1161  
 A. I can name the occurrence. Q. How long ago?  
 A. But I don't know exactly how long it was ago.  
 Q. How long ago was it? A. I cannot tell you; it  
 may be ten years ago; since I have been in business.  
 Q. Was it one occurrence? A. Yes, sir; one occur-  
 rence. Q. Did you see it? A. I did, sir. Q. Where  
 was it? A. Corner Chambers Street and West  
 Broadway; turning from Chambers Street into West  
 Broadway. Q. Was there ice on the ground? A.  
 No, sir, I think not; I can't remember exactly. Q.  
 Then are you in the habit in you daily business of  
 going through streets where railroad tracks are? A.  
 I am, sir. Q. Making your regular deliveries? A.  
 I deliver very little myself from trucks. Q. Your  
 trucks make regular deliveries? A. They take  
 goods wherever they are sent. Q. And receive goods  
 for delivery in various parts of New York? A.

- 1162 Yes, sir. Q. And pick up goods in various parts of New York to be shipped away from New York? A. Yes, sir, we do. Q. That business you transact regularly through all the streets of the city? A. Well, not all the streets of the city; streets where we have occasion to go. Q. At all events through streets where there are these railroad tracks? A. Yes, sir; through a great many streets where there are railroads. Q. Have you observed what charter of trucks and wagons infest Broadway every day? A. About all kinds, I guess, go through Broadway. Q. Dirt carts? A. I suppose there are. Q. Scavenger carts? A. I am not in that business; I don't generally take much notice of those. Q. I am speaking of observation, as I
- 1163 might ask any citizen; don't dirt carts and scavenger carts go through Broadway? A. I don't know as I ever saw any. Q. And grease carts? A. I don't know as I ever took any particular notice. Q. Do you not see many grocery wagons from out of town on Broadway? A. I suppose there are. Q. Don't you see them? A. I don't generally take particular notice of anything of that kind. Q. When you are going along with a loaded truck, and you meet a stage, does the stage generally politely go out of your way? A. They go out one way or the other; they wouldn't probably run into a heavy loaded truck, but would be apt to get out of the way. Q. You don't make it a practice to get out of the way of a light wagon when you have a loaded truck, do
- 1164 you? A. Well, we generally give them a chance; oftentimes carmen are thought to be a great deal worse than they are. Q. How many trucks have you seen backed up to the curb in Broadway? A. I couldn't tell you, sir. Q. Ever so many that you stopped to count them? A. Never did; no, sir. Q. Is it a daily occurrence with you to see a truck backed up to the curb in Broadway—a single one? A. I don't know as I ever noticed; there may be any quantity of them, but I never noticed them. Q. I am asking you only if you ever saw any, and I am satisfied with you knowledge and observation.

*By Mr. Beaman:*

Q. Where do most of your truckmen live? A. Most of them right near the stable. Q. In the city? A. Yes, sir. Q. Men that have been in your employ a good while? A. Well, I have men that have been

working for me fifteen or sixteen years. Q. In the 1165  
 course of your business, do you know where your  
 trucks are going—what particular routes they are  
 taking? A. I know where they start from. Q. In  
 a general sense have you known ever since you have  
 been in business where your trucks were going? A.  
 Yes, sir. Q. Mr. Conklin, at what ferries—over  
 what ferries is the principal trucking done? A.  
 A great deal over all the ferries.

Q. More over the North River than over the East  
 River? A. I don't know as I could answer that  
 question. Q. What way do your trucks go? A.  
 We do the most of our business with the stores  
 along the river in Brooklyn. Q. That is, you de-  
 liver more in Brooklyn? A. Well, we ride more  
 from the stores along the river in Brooklyn than we 1166  
 do from Jersey. Q. Do you do much business of  
 delivering goods from the Brooklyn warehouses to  
 the New York side? A. Oh, yes, sir; a great deal.  
 Q. But all wholesale goods? A. Yes, sir; alto-  
 gether wholesale. Q. Groceries? A. Yes, sir. Q.  
 You don't do much business in delivering over the  
 North River? A. Some. Q. You don't do much  
 delivering over in New Jersey? A. Very little.  
 Are most of the deliveries of freight that are made  
 to the railroads that start from Jersey City made on  
 this side of the river? A. On this side of the river.  
 Q. The railroads receive their goods on this side of  
 the river? A. Yes, sir. Q. At what points on the  
 North River do the railroads receive their goods;  
 just name the streets? A. Pier 1, the Pennsylvania 1167  
 Railroad. Q. Near what street? A. Right near  
 Battery Place; the foot of Battery Place. Q. Foot  
 of Battery Place, the Pennsylvania Railroad? A.  
 Yes, sir; they also have connecting roads that re-  
 ceive freight up as far as Pier 5; Pier 6, the Balti-  
 more Transportation Company receive freight. Q.  
 Pier 6 is what street? A. That is between Morris  
 and Rector. Q. Go on. A. Pier 8, the New Jer-  
 sey Southern receive their freight; Pier 9, the  
 Cromwell Line for New Orleans. Q. What street is  
 that? A. About the foot of Rector Street. Q. Just  
 go right along? A. Pier 11 is the Metropolitan  
 Steamship Company. Q. If you will name the  
 street, please? A. Well, the blocks are rather long  
 there. Q. Take the nearest street? A. Well, that  
 is near Rector Street. Q. Pier 11 near Rector  
 Street? A. Yes, sir; then 12, 13, 14 and 15, I think

- 1168 there is the New Jersey Central road ; they run from the foot of Albany Street, Cedar Street and Liberty Street, and the Pennsylvania Railroad also receives at Pier 16, which is near Cortlandt Street ; Starin's Line to New Haven, and the Delaware and Lackawanna, they run as far as Dey Street ; the Anchor Line of steamers are at the foot of Dey Street, and the Hudson River Railroad at the foot of Barclay Street, and the Charleston steamers are at the foot of Park Place ; the Fall River Line is at the foot of Murray Street, the Providence Line at the foot of Warren Street ; the Erie Railroad Company receive all along from that until you get to the foot of Duane Street ; at Jay Street is the Stonington Line, and at Harrison Street are the lines running up the North River. Q. Running up the North River ? A. Yes, sir ; steamboat lines come in there mostly, and also along Franklin Street ; and then when you get to 36—that is at the foot of North Moore Street—there is the Morgan's Line of steamers to New Orleans ; foot of Beach Street is the Old Dominion Line ; foot of Hubert Street is the Star Union, Empire and National Lines, and they also take up until you get to nearly Laight Street ; then you commence at the foot of Laight and Vestry Streets, and the Pennsylvania Railroad have a station there again, where they receive through freight and freight for Pennsylvania, and freight of that kind ; and at the foot of Watts Street we have the Norwich boat, and the People's Line of
- 1170 steamers foot of Canal Street, and the California steamers foot of Canal Street ; the Savannah steamers foot of Charlton Street, and then the Inman Line and the Guion Line, and all those lines. Q. Just name them as you go along. A. If I remember, the Inman Line is the first we meet above the Charleston steamers, and the Guion Line, I think, next, the French Line, the National Line, the Delaware and Lackawanna Railroad, at Pier 41 ; and then you get to the Cunard Line, the White Star Line, the Anchor Line, still further up, and until you get way up to the foot of Twenty-fifth Street. Q. How far up have you got now ? A. Got up to the foot of West Eleventh Street ; very few steamers we meet, then, until we get to the foot of Twenty-fourth Street ; Twenty-fifth Street, the Atlas Line ; that is about as far up as we have shipping to do. Q. These docks, then, on that side, are filled practically

with receiving and delivering wharves or stations, 1171  
except so far as they are occupied by the ferries?

A. Yes, sir. Q. Now, on the other side of the city, beginning as far south as you can on the East River? A. Well, we strike the Staten Island Ferry at Pier 1; in the Winter time, along Pier 2, 3 and 4 it is mostly occupied by sailing vessels coming in and discharging their cargoes; in the Summer time it is occupied mostly by canal boats; and also on Pier 4, the Hudson River Railroad Company receive a portion of their freight, and also on 5; and then 6 is almost entirely used in the Summer time by canal lines.

Q. And Pier 6 is about where? A. Pier 6 is about Coenties Slip; and then Pier 7 is also used for that purpose—canal boats—and in the Winter 1172  
time sailing vessels lay up there; at Pier 8 the Erie Railroad Company have a receiving depot; and then there are different sailing vessels—— Q. Pier 8 is at what street? A. Pier 8 is right at the foot of the same street; there is a very wide space there, and that takes them all in; then when you get to the foot of Old Slip you meet the Commonwealth Line to Philadelphia; and then there is not much of anything but sailing vessels until you get up to the Bristol Line, the European Line, and then the Mallory's Line, foot of Charles Street. Q. Where is that? A. The Bristol Line is at the foot of Maiden Lane, and Mallory's Line runs along from that to——

Q. Is there not a Havana line at the foot of Pine? A. Oh, yes; Ward's Line; I missed Ward's Line; 1173  
Ward's Line has two piers; one nearly at the foot of Wall Street and the other near the foot of Pine Street; Q. They are a Havana Line and for the South American trade? A. Yes, sir. Q. Then go right along. A. Then we get up to the Mallorys' Line, and that takes both piers at the foot of Burling Slip and also the down town side of the Fulton Ferry; and the first pier is, above the Fulton Ferry, where the lines running to Harlem are, and the pier above that is where the Norwalk boat comes in. Q. You mean the lines running to Harlem connecting there with the New Haven road there? A. Yes, sir; and we also ship a great deal of freight to Harlem by those boats—ship a great deal of freight to Harlem by those boats now. Q. Just local freight? A. Yes, sir; instead of carting it up there they send it by boat; then when we get up to above Beekman

- 1174 Street and the boats running up on Long Island—foot of Peck Slip. Q. These various places on the East River are occupied in the same way, by these piers, at which deliveries are made and goods are received? A. Yes, sir. Q. And your part of the business is, to a very considerable extent, trucking to those piers? A. Yes, sir. Q. And you may have to go to any of them any day? A. Yes, sir; any day; there are few days we don't have to go to some. Q. You are not able to state, or will you state as far as you can, which ferry, in your opinion, on the North River, carries the most trucks across? A. I should judge that the Pennsylvania Railroad ferries carry the most. Q. At the foot of what street? A. At the foot of Cortlandt or Desbrosses Street;
- 1175 and the Hoboken Ferry at the foot of Barclay Street which runs to most of those German lines, over at Hoboken, and a great deal of stuff comes in and out of that line; and also the Erie line foot of Chambers Street—they come in contact with several steamship lines. Q. And the lines down at Cortlandt Street, or the New Jersey Central, they carry less trucks, do they not, than some of the lines further up town? A. I think the New Jersey Central Railroad carries less trucks than the Pennsylvania road. Q. But the Pennsylvania carries them both at Cortlandt Street and Desbrosses Street? A. Yes, sir. Q. More in your judgment at Desbrosses Street than at Cortlandt Street? A. I think about equally divided.
- Q. On the East River, does the South Ferry carry
- 1176 many? A. They carry a great many trucks. Q. Where are they going? A. They go over to the different warehouses, all along until they get down some ways along; there are warehouses in almost a continuous line from the lower end of Brooklyn all the way around until you get to Fulton Ferry. Q. You mean warehouses along the Brooklyn side? A. Yes, sir. Q. Where do they extend from? A. Well, from the Fulton Ferry—a little ways below the Fulton Ferry, from Martin's Stores until you get way down to the Erie Basin there is almost a continual line of warehouses. Q. Those houses are used simply for the purpose of storing? A. Yes, sir. Q. Goods are stored there until they are to be used? A. Yes, sir. Q. And how many miles, about, of storehouses are there there—continuous miles? A. Well, I should judge about five miles of storehouses. Q. Five miles of storehouses on the water front? A.

Yes, sir. Q. Now, don't most of those goods that 1177  
are stored there come to New York before they are  
sold or delivered? A. Yes, sir. Q. How do they  
come to New York? A. Well, a great many by  
trucks; they are, some of them, lightered over by  
lighters.

Q. If they are lightered, then they are put on  
trucks after they get here? A. Well, oftentimes  
they go right to the shipping places themselves and  
deliver them. Q. Don't come into the city at all?  
A. No, sir; not landed at all, only on the piers. Q.  
So far as they come into the city by land, where do  
they generally arrive; do most of them come by the  
South Ferry? A. The trucks? Q. No, sir; these  
goods that are taken to these storehouses, when  
they are brought to New York City for sale or some 1178  
other purposes. A. If they go over to New York they  
go there on trucks. Q. But at what part of the  
city do these trucks enter; do they come by the  
South Ferry mostly? A. No, sir; Wall Street  
Ferry brings a great many, and Fulton Ferry  
brings a great many; now, for instance, I had to  
send this morning four trucks to Martin's stores,  
Brooklyn; well, the nearest way for them to get  
there was by way of Fulton Ferry; I send, also,  
down to the Congress Street stores; I sent two to  
the Congress Street stores this afternoon, and the  
nearest point for them would be to go by way of  
South Ferry. Q. Those trucks were sent this morning  
to Martin's stores in Brooklyn? A. Yes, sir. Q. To  
bring goods to New York? A. Yes, sir. Q. What 1179  
goods did they bring? A. Well, I rode between  
two and three hundred bags of coffee from Martin's  
stores; twelve hogsheads of molasses and ten boxes  
of prunes. Q. What do these stores in Brooklyn  
contain that you are in the habit of trucking from?  
A. Well, coffee, molasses, prunes, currants and rais-  
ins, mostly. Q. Are the great storehouses for those  
articles that you have spoken of in Brooklyn? A.  
Yes, sir; the larger portion are stored in Brooklyn.  
Q. Where are they stored in New York City—what  
part of the city? A. Well, there are a great many  
storehouses down town. Q. Down town below where  
we now are—below Chambers Street? A. Oh, lots  
of them; a great many of them. Q. Are there many  
of them? A. Yes, sir; quite a number of them? Q.  
For the purpose of illustration, Mr. Conklin, tell  
us where those goods were delivered that you

- 1180 brought this morning? A. Corner of Jay and Hudson Street. Q. How did you get there? A. Well, came up Broadway to Warren Street, through to College Place, and then into Hudson Street. Q. That would be your regular track, would it? A. Yes, sir. Q. They were going across the city? A. They come from the Fulton Ferry, and came right up. Q. That is, they came from Martins' stores, came through Fulton Street to Broadway, and up Broadway to Warren Street? A. Yes, sir. Q. Those goods were brought to New York to be sold again? A. Yes, sir. Q. And in the ordinary course of business, you must truck them somewhere else again when they are sold? A. Yes, sir. Q. Mr. Conklin, are you able to tell with accuracy the
- 1181 length and width of your trucks? A. Well, they are not all the same length. Q. The longest ones are about what length? A. My longest truck is sixteen feet long—the floor. Q. And the shorter ones? A. The shortest one I have is ten feet six inches. Q. All two-horse trucks? A. Not all of them, no, sir; the short ones are not two-horse trucks; they are single trucks—one-horse trucks. Q. And what is the shortest length of the double trucks? A. Twelve feet. Q. On the floor, as you call it? A. Yes, sir; on the floor. Q. How far would one of your trucks, of the longest kind, project into the street, if it was backed up into the curb, and the horses turned around so that you headed either up or down the streets? A. Well, of course,
- 1182 that would make it considerably longer on account of the foot-board and the wheel in turning around, as the hub of the wheel would project out considerably further than the body, I should judge nearly two feet beyond the body of the truck—if the horses were turned up or down the street, I should judge from the hub to the body of the truck would be nearly two feet. Q. That is, it would project then two feet beyond the body of the truck? A. Yes, sir; the hub. Q. But in backing up, a part of the truck would project over the sidewalk? A. Yes, sir; a portion. Q. How much? A. I should judge it would be nearly an equal distance; the portion that would project over the sidewalk I should think would overcome the projection into the street by reason of the hub projecting. Q. Then you think an ordinary truck, backed up against the curb, and the horses turned up or down the street, would take



up as much room in the street, as the total length 1183  
of the body of the truck at least? A. Well, as a  
general rule I should judge it would; there are  
trucks that a great many people have built—of  
course people have their own ideas—where the con-  
struction is such that the tail of the trucks project  
further back than others do; as a rule I think trucks  
would be about that way—projecting as much over  
the sidewalk.

Q. Of course, if the horses were not turned around  
in the street, the truck would project about how much  
more; what is the length of your pole? A. Well, I  
should judge from the sidewalk, on the longest  
truck I have, it would project out fully 25 feet, if a  
team stood right straight out. Q. That is from the  
curb, you mean? A. Yes, sir. Q. What season of 1184  
the year are you the most busy? A. Well, we are gen-  
erally a little more busy in the Fall and Spring. Q.  
Is it your busy season now? A. Well, no, sir; we  
are busy, but not as busy as we other times are;  
this is not our busy season. Q. You keep the same  
number of men and trucks employed all the time?  
A. No, sir; I am not running quite the number that  
I do in busy seasons. Q. You are owning your own  
trucks and horses? A. Yes, sir. Q. I forgot to  
ask you about the width of your trucks, particu-  
larly the extreme width between the ends of the  
hubs? A. About 8 feet. Q. Is that the aver-  
age width of your trucks? A. That is about  
the average width; yes, sir. Q. What is about  
the average width of an ordinary hack, or cab? 1185  
A. I couldn't tell you; I don't know, exactly.  
Q. At what season of the year is it your experience  
that Broadway is most crowded? A. Well, I don't  
know as I could tell any particular season of the  
year; of course, when business is more brisk in the  
Fall and Spring, it is probably more—it is rather  
more. Q. What effect has a snow, and the existence  
of snow in the other streets of New York, towards the  
travel on Broadway, as far as trucking is concerned?  
A. As a general thing the city authorities have been  
very kind; they have cleaned Broadway almost  
every Winter, and we still cling to Broadway in  
Winter time. Q. Do you find it more advantageous  
in the Winter, proportionately, than in Summer?  
A. Well, I don't know that it is any more so; it is  
a great advantage to truckmen to have a clear street,  
without a railroad track in it, and we would go con-

1186 siderably out of our way to get such a street. Q. To get to a clear street? A. Yes, sir. Q. You don't count the loss of time going out of the way, if you can get to the street? A. We think we can make time in taking a street were there is no track and no obstruction; we think we can make time in going to that street. Q. Any delay that comes to your business in the carrying of any load, is something that you suffer? A. Yes, sir. Q. And not the merchant? A. No, sir. Q. He don't suffer any loss of money, and is not affected, except by the inconvenience of delay in delivery? A. That is all, sir.

*By Mr. Fuller :*

1187 Q. You are an experienced driver, I understood. A. Well, I understand so. Q. So do I; that is the reason that I asked the question. A. Yes, sir; I don't know that I ever met you on the road. Q. If you had a heavy load to take from Chambers Street up, midway between Broadway and West Broadway, up to Amity Street, which way would you go; would you go through Broadway and West Broadway and South Fifth Avenue? A. I would go through Broadway. Q. Why would you go through Broadway? A. Because I don't meet with any obstruction in the shape of tracks. Q. Don't you meet with other obstructions? A. There is nothing but what we can go right along, but what we can turn out or in, and so follow a continuous line right up Broadway. Q. Don't you 1188 consider Broadway one of the most dangerous streets to drive in, on account of its being slippery and obstructed? A. No, sir. Q. Have you ever driven in Broadway yourself? A. Oh, yes; I wouldn't like to guess how many times; a great many times. Q. Then you consider that Broadway is an easier road, from Chambers Street to Amity Street, than West Broadway and South Fifth Avenue, for a heavy load? A. Yes, sir. Q. Isn't it much more hilly? A. No, sir. Q. Certainly it is. A. There are no hills on Broadway that affect the trucks running at all. Q. Isn't it more slippery? A. Not as a general thing; almost any truckman would go on almost any street, with a load, where there were no tracks, rather than on a street where there were tracks; you find where the the tracks are that there is a great deal more danger for a horse travelling, than on a straight, level road.

Q. Is there any track in South Fifth Avenue 1189  
under the elevated road? A. I think not. Q. Is  
it not a fact that more truckmen drive in South  
Fifth Avenue under the elevated railroad than on  
Broadway? A. I don't think so. Q. Have you  
ever noticed? A. I don't know that I ever took  
particular notice; I know that there are a number  
driving on that street. Q. You think that any  
truckman taking a load on at Canal Street and  
South Fifth Avenue, to go up to Amity Street,  
would drive up and go through Broadway instead  
of South Fifth Avenue? A. What portion of Canal  
Street? Q. Midway between Broadway and South  
Fifth Avenue. A. I should think it would be fully  
as well to go up South Fifth Avenue; with the  
exception of the short distance from Canal Street to 1190  
South Fifth Avenue we would have no railroad  
track. Q. Don't you consider that a railroad track  
is a great advantage in the Winter season when there  
is snow on the ground? A. A railroad track itself,  
if we could follow along it in the Winter time, with-  
out the necessary obstructions, I think perhaps it  
might benefit us somewhat; I think it does benefit  
us somewhat, but the great trouble is that where  
there is a railroad track the cars are running on it  
and there is an obstruction, and we are compelled to  
get off of that street and get on to a street where  
there is no fear of such an obstruction, if we can  
find such a street. Q. According to your experience  
and observation, don't trucks take West Broadway  
when there is snow on the ground and it is slippery 1191  
on Broadway in preference to going on Broadway?  
A. I think not; I think there are two trucks that go  
on Broadway where one goes on the other street.

*By Mr. Bright:*

Q. Suppose you desire to take a heavy load over  
near the Twenty-third Street ferry—near the foot of  
West Twenty-third Street—do you come up Broad-  
way and go to Twenty-third Street at this time of  
the year when there is snow? A. Yes, sir. Q.  
When there is snow and ice on the ground? A.  
Yes, sir. Q. When you go from Broadway over to  
the ferry would you go through Twenty-third Street  
where there is a railroad track, or would you go  
through Twenty-second Street or Twenty-fourth  
Street where there is none? A. If there was a  
heavy snow? Q. Suppose we have had a heavy  
snow-storm; say it has been snowing for two days?

1192 *Mr Beaman*: Never mind about how much it was snowing; but suppose there was a foot of snow?

Q. Suppose there was a snowfall of a foot, and Twenty-second Street and Twenty-fourth Street were beaten down, as they naturally would be after a few hours by the ordinary travel, and Twenty-third Street is in the usual condition that such a railroad street is desiring to take that heavy loaded truck over to the ferry, which of those streets would you use, Twenty-second, Twenty-third or Twenty-fourth? A. I think I would take Twenty-third Street.

Q. You think you would follow the railroad track? A. At that particular time; yes, sir. Q. And submit to the necessity of submitting to your fellow-citizens in the cars once in a while? A. I

1193 believe in yielding to them at any time, whether there is snow on the track or not? Q. Do you have the same disposition towards railroads and cars when you are delivering goods? are you careful not to obstruct them? A. Yes, sir. Q. Are you able to do it? A. As far as I personally am concerned, my instructions are to the driver to not obstruct the track any longer than is absolutely necessary. Q. That answers my question very well; you give those instructions because you consider it practicable and feasible to offer but trifling obstructions to railroads in delivering goods? A. To delay them as little as possible. Q. You feel that it need not be, in ordinary business, a very serious delay in the delivery of goods? A. I don't understand the

1194 question exactly. Q. You are about to deliver goods in a street where there is a railroad? A. Yes, sir. Q. You instruct your men to deliver the goods, or to receive them, with as little interruption as possible to the railroad? A. I do; yes, sir. Q. Do you give that instruction because you regard it as possible, in the ordinary experience of trucking, to avoid interruption to the railroad? A. Of course a person might be dilatory and obstruct it longer than necessary; and, of course, as a good citizen, I should feel as though it was unnecessary.

Q. Then it is possible to offer but very slight practical obstruction to a railroad in delivering or receiving goods? A. Well, at times—it depends altogether upon the character of your load. Q. Of course; but I speak of the ordinary run of business; I do not speak of something extraordinary. A. Now, I might put on 1,000 boxes of herring, on to a truck, and they have to be handled one at a time,

and it takes a great deal longer to take them off 1195  
 than it would to take off some other load. Q. If  
 you suffered yourself to put 1,000 boxes of herring  
 on one of your trucks, I suppose you could deliver  
 those without backing up? A. Well, at times. Q.  
 If you had such a load you would come alongside  
 the curb rather than at right angles with the curb,  
 would you not? A. Yes, sir; I should try to. Q.  
 And in that way, in the practical performance of  
 your trucking, you are able to avoid any serious in-  
 terruption to the travel of the cars, are you not? A.  
 That depends altogether on the distance between  
 the curbstone and the track. Q. But I speak of a  
 case where there is the opportunity to get to the  
 curb, either directly alongside, or obliquely, without  
 standing across the rails? A. Where we can do it, 1196  
 without backing up to deliver stuff, we try to do it.  
 Q. Wherever there is room for a truck, when turned  
 at right angles, to stand without reaching the track,  
 then, of course, there would be no interruption to  
 cars? A. Oh, where it didn't touch the cars it  
 wouldn't be any interruption. Q. And if Broadway  
 is wide enough for that, then there will be no ob-  
 struction? A. Well, if there was an obstruction on  
 either side of the street, of course it would natu-  
 rally carry the current of travel right through the  
 centre of the street, and would delay the cars some.  
 Q. Are you familiar with the appearance of Broad-  
 way at evening, at about six o'clock—the large num-  
 ber of people that appear suddenly in the streets at  
 that time? A. Well, yes, sir; I have been on 1197  
 Broadway several times at that time. Q. Where  
 do they come from? A. I couldn't tell you that.  
 Q. Don't they come from factories of various kinds  
 along Broadway? A. I suppose they do. Q. Is  
 there not a large amount of manufacturing done in  
 Broadway, in the lofts and stores? A. That I could  
 not tell you; I would have very little cause to  
 know. Q. Have you observed the fact that working  
 people—working men and working women and  
 girls—fill Broadway at just about six o'clock every  
 evening? A. Well, I have not noticed so many of  
 that class of people.

HENRY W. JACKSON, called as a witness on be-  
 half of Mrs. Boreel and the Board of Trade and  
 Transportation, being duly sworn, testified as fol-  
 lows:

- 1198 Q. Where do you reside, Mr. Jackson? A. 19 Montgomery Street. Q. What is your business? A. Trucking. Q. How long have you been engaged in that business? A. Since 1869. Q. To what extent are you now engaged in it? A. I have about thirty-five horses. Q. Thirty-five horses and trucks? A. Yes, sir. Q. Have you been a practical truckman—a driver—yourself? A. Yes, sir. Q. Did you begin business in that way? A. Yes, sir. Q. Have you any particular office or stand? A. Yes, sir. Q. Whereabouts is it? A. One in Walker Street—69 Walker Street—and one on the corner of Broadway and Pearl Street. Q. Are you a general truckman, driving for anybody? A. I generally have regular customers. Q. Who are your regular customers? I don't mean by name. A. Lawrence Taylor is the principle one. Q. What is his business? A. Dry goods. Q. Is your business mostly trucking for dry goods houses? A. Yes, sir. Q. For wholesale dry goods houses? A. Yes, sir. Q. Where are these dry goods houses located in whose employ you principally are? A. Broadway, Walker Street, Canal Street, Mercer Street, Greene Street. Q. Is your business mostly with houses above Canal Street or below? A. Above. Q. Above? A. Yes, sir. Q. But generally in the wholesale dry goods business? A. Yes, sir. Q. Is your business carried on on the plan of so much a year, or so much a day, or so much a load? A. So much a load. Q. Without regard to where it is delivered? A. The further we go the more we charge for it. Q. The further you go the more you charge for it? A. Yes, sir. Q. You have a regular tariff? A. Yes, sir. Q. Does your business consist of hauling in as well as hauling out of stores? A. Both: yes, sir.
- 1200 Q. Do these stores receive in their own premises most of the goods which they afterwards sell? A. How is that? Q. Do these stores receive in their own premises most of the goods which they afterwards sell? A. Yes, sir. Q. That is, their business consists, then, of receiving and selling, and shipping? A. Yes, sir. Q. And you attend both to the receiving and shipping? A. Yes, sir. Q. Are the business houses by which you are employed dealing mostly in foreign or domestic dry goods? A. Mostly domestic. Q. From what points do you receive the goods which you deliver

to them? A. Well, from the Stonington Line for 1201  
Lawrence Taylor mostly, and from the Providence  
Line and Fall River Line—a great part of their  
goods come that way. Q. Most of the domestic dry

goods then are received from lines coming from the  
New England States? A. Yes, sir. Q. Mostly by  
steamboat lines? A. Mostly by steamboats. Q.

More by steamboats than by rail? A. Yes, sir. Q.  
And to what points do you mostly make deliveries?

A. Oh, well, the different lines of railroads and  
steamboats—all the different lines of railroads and  
steamboats. Q. All the different lines of railroads

and steamboats? A. Yes, sir. Q. That is, for do-  
mestic purposes, I suppose? A. Yes, sir. Q. Do

you deliver much to foreign vessels? A. Not a  
great deal. Q. You don't to European vessels, I 1202  
suppose? A. We do some; not much. Q. Much

to the Havana and South American steamers? A.  
No, sir; very little there. Q. Much to the Pacific

Mail steamers? A. Mostly from the German  
steamers and English steamers we ride in. Q. I am

talking about delivering; you don't ship much that  
way? A. No, sir. Q. Your merchants sell very

few goods to South America or Havana? A. No,  
sir; not much. Q. Much to the Southern States or

to the Middle? A. Oh, yes, to the Southern States  
and Western States. Q. The merchants for whom

you truck sell or deliver many goods to other mer-  
chants in the City of New York? A. Oh, yes, sir.

Q. What parts of the city do they deliver to? A.  
Many of the wholesale houses. Q. They deliver to 1203  
wholesale houses. A. Yes, sir. Q. Are the mer-

chants for whom you truck mostly commission  
merchants? A. Lawrence Taylor is a regular com-

mission merchant. Q. And there is that class of  
merchants—that is, commission houses—that de-

liver to other wholesale houses, as I understand  
you? A. Yes, sir. Q. And those wholesale houses

sell to jobbers or directly to retailers? A. Sell to  
jobbers. Q. And then they to retailers? A. Yes,

sir; mostly. Q. And your business, as I under-  
stand, is with commission houses, wholesale houses

and jobbers? A. Yes, sir. Q. And you are deliv-  
ering from either of those to retailers also? A. Oh,

yes, sir. Q. And to various shipping points? A.  
Yes, sir. Q. Do you deliver much merchandise or

receive much merchandise, except dry goods? A.  
Not much, except dry goods. Q. Where do you

- 1204 keep your horses and trucks at night? A. Water Street. Q. What houses do you work for that are on Broadway? A. Well, quite a number; Lawrence Taylor is the principal house on Broadway. Q. Where is that? A. 314 and 316. Q. That is near what street? A. Right near Pearl Street? Q. Where do they make their deliveries of goods—on Pearl Street or on Broadway? A. Some on Pearl and some on Broadway; when goods are brought in they are all delivered on Broadway. Q. When they are brought in? A. Yes, sir. Q. The whole of their business, as I understand you, of receiving, is on Broadway? A. They have a chute where they shove them right down. Q. And they go right into their basement? A. Down to the cellar. Q. In what kind of packages are these goods mostly. A. Well, in cases of from four to six hundred pounds. 1205 Q. What is the usual manner of delivering such goods, that is, as far as the trucking is concerned? A. Back up to the sidewalk and shove them off. Q. And then shove them down the chute as soon as possible? A. Yes, sir. Q. And what is the usual length of time that it requires to deliver a loaded truck in that way, using all such usual, proper means and hastening as you can? A. Well, it makes a difference whether the men are ready to receive them or not; sometimes they are not quite ready and you have to wait. Q. But suppose everything is ready and you have just driven up Broadway, how long does it take to get backed up, get unloaded, and then to turn the horses around and get out of the way, what length of time will it 1206 take? A. Ten to fifteen minutes, I should suppose. Q. For a loaded truck? A. Yes, sir. Q. And loaded in the usual way with dry goods such as you are delivering there? A. Yes, sir. Q. And using all the usual facilities, having everything ready and all the help you want? A. Yes, sir. Q. How many trucks do you unload in a day on an average at that one house? A. We have a different number of cases coming in; sometimes a hundred to three hundred cases. Q. From one hundred to three hundred cases? A. Yes, sir. Q. That would be about how many loads? A. About ten or twelve to a load. Q. That is, it would be all the way from ten to thirty loads that you deliver in front of that store? A. Not every day. Q. But on an average? A. On an average. Q. What time of day are you delivering



those? A. Generally get them in the morning. Q. 1207

At what hour do you reach the store? A. In the morning? Q. Yes. A. Generally get down about eight or quarter past eight. Q. You are delivering, then,

from eight to what time? A. From eight to twelve or one o'clock; sometimes the boats are behind and we are later. Q. But, as a rule, the deliveries that you make to that store on Broadway are from eight to twelve o'clock? A. From eight to twelve and one o'clock; yes, sir. Q. During that time, at any hour of the day, your trucks may be found unloading there? A. Yes, sir; whenever there is anything to ride in. Q. Yes, when there is anything to ride in—if the business is going on? A. Yes, sir.

Q. Of course the more business there is the more they are receiving and the more you are delivering? A. Yes, sir. Q. That same store, as I understand, 1208

delivers the goods on the other street? A. They receive on Broadway and deliver in Pearl Street, mostly. Q. And your trucks are in the business there of receiving? A. Yes, sir. Q. And, of course, as a rule, so far as you deliver in that store, you take the goods out again after some time? A. Yes, sir. Q. And that you do mostly on the other street? A. Mostly; they do deliver some on Broadway. Q.

And the other street is occupied, I suppose, with your trucks receiving? A. Yes, sir. Q. What other stores on Broadway do you deliver to? A. Well, there is Henry Newman. Q. Where is his place? A. 393 Broadway. Q. That is between what streets? A. White and Franklin? Q. How are goods delivered to him—on Broadway? A. Yes, 1209

Q. No other streets to deliver them on? A. No, sir. Q. And receive in the same way? A. Yes, sir; he has no rear entrance. Q. There is no other way of receiving and delivering goods from and to Mr. Newman except on Broadway? A. No, sir. Q. What character of goods does he deal in? A. Foreign goods mostly—Italian—tailors' trimmings, &c. Q. Coming in large boxes and cases? A. Yes, sir.

Q. These large boxes and cases, as I understand, are delivered or received by trucks end on to the street, aren't they? A. Yes, sir. Q. And these that you deliver to these other houses must be received end on the street practically? A. Yes, sir. Q. About how many loads do you receive in any day or deliver to this house? A. Henry Newman? Q. Yes.

A. Well, fifteen to thirty packages, I suppose. Q.

1210 Fifteen to thirty packages? A. Yes, sir; cases and bales. Q. That includes both what you ship and what you cart in? A. No, no; we generally ship as many as that. Q. And cart in as many? A. No, don't cart in as many; we don't cart in the goods—not many of his. Q. But you ship about that many? A. Yes, sir. Q. That is, you cart from his store say three or four loads a day on an average? A. Yes, sir. Q. Whom else do you deliver to on Broadway? A. Well, there are several stores up Broadway—A. Steinhart & Brother is one. Q. Where is that? A. That was in Broadway; he has removed now; he is on the other side. Q. He is not in Broadway at all now? A. Yes, sir; he is on Broadway now between White and Franklin. Q. What is his business? A. Fancy goods. Q. How does he receive and deliver  
1211 his goods? A. I suppose he will receive them in the alley now—how did he receive them before in Broadway? Q. How did he receive them? A. On Broadway. Q. What was his number on Broadway when he received them on the other side? A. 393. Q. Was he on the lower floor? A. No, he was upstairs.

Q. Was there any way of delivering or receiving goods by him except on Broadway? A. No; there was no rear entrance. Q. They were put upon an elevator there, I suppose? A. Yes, sir; hatchway—there was a hatchway. Q. What was the extent per day of your deliveries there; how many loads? A. Oh, he didn't do as much. Q. On an average, was it more than a load or two a day? A. No, sometimes not that. Q. Any other merchant who  
1212 had a considerable amount of business for whom you did business? A. Yes, there is a basket house on Broadway. Q. A basket house? A. Yes, sir. Q. Where is that? A. 601 Broadway. Q. That is between what streets? A. That is up near Houston Street. Q. How is it necessary to deliver or receive goods from that place? A. On Broadway. Q. In what way do their goods come? A. Foreign goods, in cases or bales. Q. Large cases? A. Yes, sir. Q. Is it practicable to deliver their goods in any other way except by backing up? A. No. Q. Is it practicable to deliver any of the goods that you, in the ordinary course of your business, deliver or receive except by backing up your trucks? A. Not very well; no. Q. Do you deliver many goods on Broadway from the various commission houses for

whom you deliver? A. Lawrence Taylor has a good many; yes, sir. Q. Do you deliver on Broadway, for the houses for whom you deliver; do you make many deliveries to Broadway parties who are not your customers? A. Yes, sir; a great many. Q. What are the large stores on Broadway to which you make deliveries at the request of your customers? A. Well, Charles Lockwood is one. Q. Where is he? A. Well, my brother attends to that business mostly; I don't know as much about that as he does; he is at Broadway and Franklin Street. Q. To be as concisely as possible about this, Mr. Jackson, I have been aiming to get as precise a knowledge as I can, from some one who knows about it, of the method in which of necessity goods are received and delivered in these various stores on Broadway? A. Yes, sir. Q. You have told us of some for whom you both deliver and receive? A. Yes, sir. Q. It has occurred to me that in the course of your business there might be some large wholesale houses, like Dunham, Buckley & Co., to whom you might deliver? A. Well, they generally take them in the side streets. Q. Dunham, Buckley & Co. receive their goods on the side streets? A. Both deliver and receive, yes, sir; Tefft, Weller & Co. receive sometimes on the side streets and sometimes on Broadway; they are in Broadway just the other side of Pearl Street. Q. How much front have they on Broadway? A. Tefft, Weller & Co.? Q. Yes, sir. A. They run from Pearl Street to Worth nearly. Q. But they receive a large amount of goods on Broadway? A. Yes, sir; they receive on Broadway and the side street both.

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*Mr. Beaman:* I believe there will be a truckman from that firm that will know more about that than this witness does.

Q. As far as you know Broadway and know the trucking business and know the City of New York, what effect would it have upon the trucking business and the facility for moving goods in the City of New York, if there was on Broadway, between Fourteenth Street and the Battery, a double track for horse-car purposes and horse-cars running thereon? A. I should think it would interfere very materially. Q. Why so? A. There would be two tracks—of course, double tracks—and it would, more or less, block up the street, I think. Q. How would the running of this horse-car line and the

- 1216 running of these cars affect it as compared with the running of the present omnibuses? A. I think it would be a great deal worse. Q. Why? A. Because when there is a block the stages can turn around, or go into another street, and the cars of course have to keep on their track. Q. What effect have horse-car tracks in streets upon the ease and facility with which those streets can be used for carting purposes? A. Well, they generally go in the centre and take up the best part of the street. Q. Who does? A. The cars do. Q. Then, what effect has the running of horse-cars in a street in regard to the facility with which that street can afterwards be used for general trucking purposes? A. I think it would be blocked up. Q. What would block it up, the cars? A. Yes, sir. Q. But
- 1217 suppose there were no cars running, and nothing there but tracks? A. Well, if there were no cars, and tracks—well, the tracks would be an objection, whether the cars ran or not.

- Q. Why? A. Because you would have to cross and re-cross. Q. Is that objectionable? A. I should think it was. Q. Mr. Jackson, what part of your business, so far as the carting of merchandise is concerned, is pursued on Broadway, up or down? A. Well, we have to go to all the lines in the city—all the freight lines. Q. Do your drivers drive on Broadway in preference to other streets? A. Whenever they can; yes, sir. Q. Why is that? A. Because it is a better pavement, and better running, and easier for the horses. Q. Are not most of your
- 1218 goods received or delivered, or, so far as they are received from merchants or delivered to merchants, are they not mostly received or delivered to merchants whose places of business are substantially on the line of Broadway? A. Yes, sir. Q. That is, within one or two blocks either way? A. Yes, sir. Q. So that in the natural course of business, Broadway is the direct line for you from your various deliveries, is it not? A. Yes, sir. Q. Wherever you are going, part of the way is a direct line on Broadway? A. Well, sometime it is not a direct line; but we generally go that way, whether it is as near or a little further. Q. How long are your trucks that you use for these dry goods purposes? A. Well, they are about fifteen feet—fifteen feet and a half. Q. The floor? A. Yes, sir. Q. How far would a truck extend into the street, suppose it

was backed up with the hind wheels right against the curb, being loaded, the horses being turned either up or down street? A. Well, I should think it would be thirteen or fourteen feet. Q. That is from the curb? A. You mean when it is backed up to the curb? Q. Yes, and the horses turned around. A. Yes, sir; I should think thirteen or fourteen feet. Q. There is no way of making it less of an obstruction; that is, if you backed it up less to the curb, there is no way of making it less of an obstruction, than by turning the wheels around so that the horses stand up or down? A. No, sir. Q. In such a case would the horses extend beyond the hub? A. What, when you turn them up or down the street? Q. Yes, sir. A. No, sir; I don't know as they would much. Q. Therefore the extreme point would be the hub? A. Yes, sir. Q. Is there anything in a loaded truck that extends beyond the hub? is there any part of the seat or of the dash that extends beyond? A. If you have seats on, of course it projects a little further. Q. The seat would extend beyond the hub? A. Yes, sir. Q. Do most of your trucks have seats on them? A. No, sir. Q. Do any of them? A. No, not now. Q. Do you have much business of delivering to places below Chamber Street, except to the depots and ferries? A. Oh, we do occasionally, not much. Q. Are many of the goods that you deliver to these stores—do many of them come from the bonded warehouses or regular warehouses from the city? A. Yes, sir; they come from both places. Q. From both places? A. Yes, sir; foreign goods do, and some of the domestic goods are stored too. Q. Where are the goods that are received in the City of New York—foreign dry goods—mostly stored? A. Oh, well, there are different storehouses, Washington Street— Q. What street? A. Washington Street, Greenwich Street. Q. These are foreign goods? A. Yes, sir. Q. Are any of them stored in Brooklyn in those large storehouses there? A. Yes, sir; a great many of them. Q. A great many of the foreign goods are received there and stored there? A. Yes, sir. Q. And when they are delivered in New York, what route do you take to get them? A. Sometimes the Wall Street Ferry, and sometimes the South Ferry; it depends upon what warehouses they are in. Q. And you strike Broadway and you bring them up? A. Yes, sir. Q. Or

1222 take them down? A. Yes, sir. Q. In what part of the city are domestic dry goods stores? A. Well, Lawrence Taylor has several warehouses; one at the foot of Franklin Street, and one in Vestry Street. Q. They are more in the immediate neighborhood of their own stores? A. Yes, sir; in the dry goods district.

*By Mr. Bright:*

Q. You are very much opposed to a horse railroad in Broadway, I assume? A. Yes, sir; I am. Q. Have you taken any steps for opposing the road? A. No, sir. Q. In conjunction with others? A. No, sir. Q. Have you contributed anything? A. No, sir. Q. Towards counsel fees? A. No, sir; nothing. Q. You say that you do but very little trucking below Chambers Street? A. Yes, sir. Q. Do you deliver any heavy goods below Chambers Street? A. Oh, we do, oftentimes. Q. In Broadway? A. Yes, sir. Q. Where? A. Oh, different stores along there. Q. Can you name any place; are there any jobbers in Broadway below here? A. Yes, I took some goods there yesterday, at 150 Broadway. Q. 150 Broadway? A. Yes, sir. Q. What jobber is there there? A. That is more than I can tell you; I was not there. Q. My office is in that building, and I would like to receive a little information about No. 150. Q. If you want to know where the goods were from I can tell you; they were from the firm of J. R. Wallach & Brother; I didn't go myself, but I know that is where they went—150 Broadway. Q. That is an insurance Building and full of offices? A. Well, I don't know; that is where they were sent. Q. And there is a candy store in the basement? A. Can't help it. Q. You don't know of any other place or jobber down there? A. We often have them in different parts of the city. Q. Isn't it true that this portion below Chambers Street is by far the most crowded portion of the whole street? A. Well, I think from Canal Street down it is more crowded. Q. And it is below that region where these heavy goods are delivered that the greatest press and crowd occurs? A. Well, from Canal to Fulton Street, I think, is the greatest crowd. Q. So that whatever obstructions occur there, heavy trucks backed up to the curb are not likely to be a permanent element in the obstruction? A. They are not very often now—not

the way Broadway is to-day. Q. How large is an ordinary package of foreign goods, or of such goods as you have described, that you deliver at Taylor's; compare it with that table at which the stenographer is writing? A. They are a different shape—they are long and narrower. Q. Give about the size of them? A. Some are large and some are smaller; they weigh from four to six hundred pounds. Q. How many of such cases that weigh six hundred pounds would you put upon one truck? A. We sometimes carry as high as eighty hundred on a truck. Q. That would be thirty cases? A. If they weigh six hundred pounds; I say we often carry as high as eighty hundred. Q. Thought you said one thousand eight hundred? A. No, sir; four tons; that makes a pretty heavy load. Q. How many cases do you ever carry? A. We carry that amount. Q. You speak of the large cases, the heavy cases? A. Lawrence Taylor's. Q. Yes. A. I don't understand your question. Q. How many of those large packages do you ever carry upon one truck at one load? A. Well, we carry from six to ten. Q. Six to ten? A. Yes, sir. Q. Now, assume that that platform where that table is is the rear of the truck, and that your men are there prepared to remove the cases, with suitable appliances—hooks or whatever is required—how long would it take to remove that first case? A. How long would it take to remove it? Q. Yes, from the truck to the sidewalk. A. Oh, one of those cases—it would depend a good deal upon what kind of a man you have. Q. I assume that all your men are efficient; would it take them more than ten seconds? A. There are some not as efficient as others. Q. Six or eight seconds? A. It would take a better man than we have got to put it down in six or eight seconds. Q. How many seconds? A. Well, I should judge it would take nearly a minute, that is about sixty seconds. Q. You think it would take a man nearly sixty seconds to remove that case? A. For the man to get it off the truck and put it down, yes. Q. During how many hours or how many minutes in the day have you ever had your trucks in front of this store of Taylor's? A. How many hours? Q. Yes. A. We are there sometimes from 8 o'clock in the morning to different hours, you know, riding in from the lines—from the Providence Line; I said from 8 o'clock to about 12 or 1 o'clock. Q. Have you had

1228 trucks running continuously from 8 to 12? A. No, sir; not continuously, because they would be changing all the while. Q. It is during the time from 8 to 12 that your trucks are unloaded? A. Yes, sir; generally; if there is a fog and the boats are delayed there is delay. Q. During those four hours you unload all the goods that you have described? A. Generally, not always; sometimes the boats are delayed and you don't get unloaded until 4 or 5 o'clock at night.

Q. That don't affect the line of inquiry I am making; ordinarily speaking, it is between eight and twelve that your trucks are unloading there? A. Between eight and one; yes, sir. Q. Then during these four hours, or thereabouts, this work of delivering goods is completed there? A. Yes, sir. Q. 1229 You don't pretend to say that there is a truck—some truck—at the sidewalk during all that time? A. Not all the time, but generally one truck unloads and another is ready to back up; it is not the same truck all the while. Q. Do you mean to say that for four hours there is continually a truck present there? A. No; not all the time. Q. Then you certainly were mistaken when you said it takes from ten to fifteen minutes to unload a truck, for that would require you to have a truck there about seven hours in the day? A. I said sometimes the men would not be ready to receive the goods, and you would have to wait a little longer; if they are ready it might not take so long. Q. Then if there was nobody ready to receive the goods you would not place your truck in position to obstruct travel? A. They 1230 generally come there and back right up, not knowing whether they are ready or not. Q. Wouldn't that be unnecessary? A. It generally saves the team. Q. At all events you claim the right to do all that as a truckman in Broadway, is that it? A. Yes, sir. Q. You want the privilege and right of doing as you please? A. No, sir; we don't want all the privileges; we are entitled to some privileges as well as others. Q. You are in the habit of making deliveries where there are railroads? A. Sometimes. Q. You manage to make them? A. We have to make them, and oftentimes you have to turn out and let a car go by; it is a great inconvenience. Q. That you want to avoid in Broadway? A. Yes, sir. Q. If the street is wide enough you certainly will avoid it? A. May be. Q. Do you know the fact that about



six o'clock every night a very large myriad of people pour into the street from the factories on Broadway? A. I suppose they do; yes, sir. Q. Thousands of them, are there not—boys, girls and men? A. I presume there are. Q. Working in factories and stores and lofts of buildings on Broadway? A. Yes, sir; I suppose so. Q. Are they not to be found in every building throughout the length of the street? A. A great many of them are; yes, sir. Q. So that there would be a great many in every block; we have buildings devoted to all manufacturing purposes along the street? A. I presume there are. Q. And these people pour out at six o'clock? A. Yes, sir. Q. Do you suppose that a railroad in Broadway would be a convenience to that population? A. Yes, sir; I think it would to that population; but I think the inconvenience would overbalance the convenience. Q. You think the inconvenience to your trucks would overbalance the convenience to the laboring people? A. To the people generally in Broadway. Q. You think most truckman think so, do you? A. I don't know what other truckmen think. Q. So far as you know their spirit you have expressed it? A. I don't know about other truckmen; I know what I think. Q. That is your feeling? A. Yes, sir.

Adjourned to Saturday, January 24, 1885, 12 M.

NEW YORK, January 24, 1885.

FRANK C. PLATT, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

*By Mr. Beaman:*

Q. What is your business, Mr. Platt? A. Truckman. Q. How long have you been a truckman? A. Thirteen years. Q. How do you carry on your business; do you own trucks yourself? A. Yes, sir. Q. How many? A. I own seven trucks; I am not running them all now. Q. I beg your pardon? A. I own seven trucks; I don't run them all just at this time of the year. Q. Have you been a practical driver yourself ever? A. Not as a regular driver; no, sir; I have driven occasionally. Q. For

- 1234 whom do you truck principally? A. Bates, Reed & Cooley. Q. Where is your office? A. Broadway, corner of Leonard Street. Q. Are you a general truckman besides? A. Yes, sir. Q. What is the business of Bates, Reed & Cooley? A. Importers and jobbers of dry goods. Q. Whereabouts on Broadway? A. 345 Broadway, corner of Leonard Street. Q. Are they jobbers in domestic and foreign dry goods both? A. Yes, sir. Q. Is most of your own business for them or for other parties? A. Yes, sir; most for them. Q. Do you truck for any other special house? A. Another small house—Nichols & Co. Q. Where is that? A. On the same block, near the corner of Worth Street. Q. On Broadway? A. Yes, sir. Q. What is the general
- 1235 course of your business—that is, where do you receive goods, and where do you take goods; I use the expression I have heard here—from where do you bring in goods, and where do you take them to—deliver them? A. Well, most of the work is done in shipping to the different transportation lines, and we bring most of the goods in from the foreign steamers. Q. Direct from the steamers? A. Yes, sir. Q. Is their business more foreign than domestic goods? A. No, sir, more domestic. Q. And the domestics you bring in from the New England boats? A. I don't cart their domestic goods, but the commission houses cart the domestic goods themselves. Q. The commission houses cart the domestic goods to Bates, Reed & Cooley? A. Yes,
- 1236 sir. Q. So that your business is principally the carting in of foreign goods and the carting out of whatever they sell? A. Yes, sir. Q. But the domestic goods that they sell are delivered to them or carted in by the truckmen of the commission houses? A. Yes, sir. Q. And out of the commissions on them? A. Yes, sir. Q. Do you deliver goods to go to all the various parts of the country? A. Yes, sir. Q. To steamers and other lines? A. Yes, sir; every line in the City of New York. Q. Whereabouts on Broadway do Bates, Reed & Cooley deliver or receive their goods? A. They receive some goods on Broadway and some goods on Leonard Street, but we deliver almost all of our goods from Broadway. Q. Why is that? A. Well, on Leonard Street there is a very steep hill, and it is almost im-

possible for a team of horses to pull any decent-sized load up there, and on Leonard Street at the cross-walk the stones are all smooth, and you can't get up with any respectable load at all. Q. So that while you can deliver goods there you practically can't receive goods there? A. No, sir; and to load on Leonard Street it blocks the street up besides. Q. Is there a track in Leonard Street? A. No, sir, but the street is very narrow, and if there is a truck on the other side, and I back in, no trucks can go through there at all. 1287

Q. Two trucks would block up the whole street? A. Yes, sir, even if a truck was there not loading, why, it would block the street. Q. Standing parallel with the curb? A. Yes, sir. Q. Are there stores on the other side of Leonard Street, which do some loading there? A. There is a restaurant there that runs two trucks and two wagons. Q. For their own business? A. Yes, sir; and then the laundry men come after the washing, and the ash cart comes there, and a good part of the day there is somebody there. Q. So that practically for your business, you do the most of your delivering from Broadway? A. Yes, sir. Q. How much frontage is there on Broadway? A. Well, we occupy three numbers. Q. That is three stores, you understand? A. Yes, sir. Q. Do you occupy the whole building? A. Yes, sir. Q. And the basement? A. Yes, sir. 1238

Q. To what extent do you find it necessary or convenient to use Broadway in the transportation of merchandise to and from the stores for whom you truck? A. We make better time; there is hardly any time that we are blocked—that is, we don't make a block; we may have to come to a stand still, but we are almost always on the move. 1239

Q. Do you use Broadway to a great extent in your business? A. Yes, sir. Q. Why in preference to other streets? A. Well, there is no horse-car track there, and it is easier for the horses and not so damaging to the trucks, and we make better time. Q. What part of Broadway is most crowded? A. I should think that part from Duane Street down to Liberty Street. Q. That would be your judgment? Yes, sir. Q. At what time of day? A. Well, between three and half-past four in the afternoon it is most crowded. Q. What vehicles

- 1240 in your judgment, constitute the great amount of travel on Broadway, what kind of vehicles? A. Trucks; that is if you classify trucks and express wagons together; trucks and express wagons, I think. Q. Engaged in the general business of delivering and receiving goods? A. Yes, sir. Q. You have heard what some of the other witnesses have said, about the necessity of having goods promptly at places of shipment at certain hours? A. Yes, sir. Q. That is your experience? A. Yes, sir. Q. What effect, in your opinion, would the laying of a double track in Broadway for the use of horse-cars, the running of horse-cars on such track, have upon the general traffic in Broadway? A. I think, proceeding on Broadway would be very slow; of course where they place a car track, trucks all have to go on a line—those going up go on one line, and those in the opposite direction in another line, and to turn out if a person has a load; to get out of the way of a horse-car, he would naturally have to turn off into the gutter, because coming in the opposite direction there would be a line of trucks and cars, and it would be impossible to turn over there, and to turn the other way the truck would slew in the gutter, and in some cases it would be almost impossible to start again on Broadway, where there are hills; there is one hill, and a very steep hill from Canal Street to Leonard Street; Leonard Street is the top of a hill, and a good many trucks would have to turn off there, and those with heavy loads would be apt to slew into the gutter. Q. Is it hard work in Broadway to carry the same kind of a load on the side of the street that you can in the middle of the street? A. They always take as near the centre of the street as they can. Q. Why? A. Because, on the side the truck keeps slewing like in the gutter—if we go near the edge—and it is more level on the centre. Q. Therefore, trucks going up and trucks going down keep to the right hand of the centre? A. Yes, sir. Q. But keeping in to the right hand of the centre they keep as near the centre line as they can? A. Yes, sir. Q. That is, if they are loaded? A. Yes, sir. Q. And the empty trucks? A. Well, they go right around to the right, near the gutter; they can go to the right and it is no trouble; and

if there was a horse-car track there they would have 1243  
 to swing out, and sometimes would slide—I have  
 seen them slide six feet. Q. That is, after they have  
 been trying to get out of the track? A. Yes, sir;  
 especially in the Winter time when there is snow and  
 the track is very slippery. Q. This testimony that  
 you have given in regard to the effect of horse-car  
 tracks is the result of your experience that you have  
 had in driving in various parts at the city? A.  
 A. Well, not exactly, principally from my truck-  
 men's driving. Q. From what you have seen? A.  
 Yes, sir.

Q. Is the trucking as you carry it on carried on on  
 a basis of so much a load or so much a year? A.  
 Generally by the package. Q. So much a package? 1244  
 A. Yes, sir. Q. And how long does it take you to  
 receive or deliver a load say of ordinary goods that  
 are imported by Bates, Reed & Cooley on Broad-  
 way? A. Well, we take various sizes of loads. In  
 busy seasons we carry from twenty-five to thirty  
 packages, and sometimes it takes maybe twenty  
 minutes, and maybe longer to load; certainly as  
 long as twenty minutes to load a full load on a  
 double truck. Q. A double truck? A. Yes, sir.  
 Q. And how long to unload? A. Maybe ten  
 minutes—a full load—ten or fifteen minutes.  
 Q. Where are the elevators in Bates, Reed &  
 Cooley's store for the purpose of carrying goods to  
 their stores? A. One elevator on Broadway and  
 two elevators on Leonard Street—three elevators on 1245  
 Leonard Street. Q. They are for taking and carry-  
 ing the goods up stairs and bringing them down?  
 A. Yes, sir. Q. Would the running of horse-cars  
 on Broadway on this double track that I have  
 spoken of, in your judgment, produce more or less  
 blockades than are now produced there by omni-  
 busses? A. It would produce more blockades.  
 Q. Why? A. There are always some trucks stand-  
 ing on the sides of the street; if they are not  
 loaded they are standing parallel, and Broadway is  
 not wide enough for a truck to go between the track  
 and a truck that is standing there; that is my opin-  
 ion; and the truckman don't like to get off the track  
 if he is once in it. Q. Don't like to turn out of it  
 when he is once in it? A. No, sir; not with a load.  
 Q. Why not? A. Well, they hardly get pulled off

- 1246 and on again when there is something to compel them to get off again, and generally right at the side of the track the stones are, as a general thing, uneven there, and it is hard work to get on again. Q. And that affords an obstacle to your getting out and to your getting back again? A. Yes, sir. Q. And if these loaded teams are in front of a car, why, of course, that would block the car until they got off? A. A loaded team would have to get out, and then the truck would stop there, and that would block others; and if a truck breaks down, why it would break down probably on the track, so that it would block all the cars coming, and the cars would block the general traffic; whereas now I have seen trucks break down right in the middle of the street
- 1247 and they would hardly interfere with the traffic at all. Q. It is not an uncommon occurrence for trucks to break down? A. No, sir. Q. Would, in your judgment, more trucks break down on Broadway if there were horse-car tracks there? A. Well, I think the trucks might break down sometimes, but a railroad track would be an obstacle to their breaking down; that is on Broadway; if a railroad track was not there a truck might go some distance before breaking down— Q. But a railroad track would not prevent trucks breaking down, in your judgment? A. It would be a greater obstacle. Q. It would not diminish the number of trucks that would break down? A. No, increase the number, I think.
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*Cross-examination by Mr. Scribner:*

Q. Mr. Platt, you have already stated that the elevators in this store occupied by Bates, Reed & Cooley are situated three on the Leonard Street side and one on the Broadway side? A. Yes, sir. Q. Of course it facilitates the convenience of the operations of the store to have the goods delivered as near these elevators as possible, does it not? A. Yes, sir. Q. Do you know what the width of Leonard street is? A. No, sir; I don't know the width, I don't know the exact width. Q. There is no car track in Leonard Street? A. No, sir. Q. And Bates, Reed & Cooley's store is at the corner of Leonard Street and Broadway? A. Yes, sir. Q. And on Leonard Street there is a place for the reception

and delivery of goods? A. There is a place to receive the goods: to deliver them, why it would — 1249

Q. Never mind; there is a place in the store? I am not speaking with regard to the street; on the Leonard Street side of their store there is a place for the receipt and delivery of their goods? A. Yes, sir. Q. Is there any reason except that which you have already stated why all the goods handled by Bates, Reed & Cooley should not be received on the Leonard Street side? A. Yes, sir; as we run the goods out of the packing room we run the goods up the sidewalk, and the coopers strap them there.

Q. You don't mean that Bates, Reed & Cooley carry on the business of receiving and delivering goods, packing their goods on the sidewalk, do you? A. No, sir; not packing the goods, strapping the goods; and backing our trucks in there it would interfere with the coopers; they could not strap the cases, and it is more easy for us to load on Broadway; the trucks are out of the way from the coopers; and then when we are receiving goods there is no room for them to receive goods on the Leonard Street side. Q. It is the convenience of the coopers that you especially observe in receiving goods on Broadway instead of on the Leonard Street side? 1250

A. It is nearer to the packing room—Leonard Street. Q. The coopers do their business on the sidewalk, do they? A. Yes, sir. Q. These large boxes contain dry goods, in which the goods of Bates, Reed & Cooley are packed, and they are coopered on the sidewalk? A. Yes, sir. Q. And occupy most of the sidewalk, do they? A. No, sir. Q. A large portion of it? A. No, sir; a case—probably the width of it may be four feet—four or five feet—something like that. Q. The width of Leonard Street you don't know? A. No, sir. Q. About the grade there; in which way is the grade; where does it go. A. It goes up towards Broadway, and from Broadway it goes down. Q. Then it is a descending grade from Broadway? A. Yes, sir. Q. Towards West Broadway? A. Yes, sir. Q. And about what is the grade; do you know what is the fall in the distance between Broadway and West Broadway? 1251

A. That I could not tell you. Q. There would be no difficulty in bringing goods there if you headed your horses down hill, would there? A. The street is

- 1252 almost always blocked, and you could hardly come through there? Q. Aside from the blocking that you have spoken of—in regard to the grade there would be no difficulty about landing goods there or getting goods there if you approached the store from the easterly direction or driving towards the west; then you would be down hill; that would make it an easy grade for the horses, would it not? A. Yes, but if we are loaded we want to take Broadway. Q. There is no difficulty in getting there if you head your horses west, is there? A. It is starting from the store that there would be the difficulty. Q. You would have no difficulty in starting from the store if your horses were turned west instead of east? A. We always have to take Broadway, and would go up Broadway; almost every load we take we take on Broadway. Q. Do you know what the width of Broadway is at Leonard Street? A. I should judge it was forty feet. Q. You would think it is as much as that? A. Yes, sir. Q. Do you use generally two-horse or one-horse trucks? A. Both. Q. Now you say Broadway is most crowded from Duane to Liberty Street? A. Yes, sir. Q. Then, if a blockade was south of Leonard Street—Duane is south of Leonard Street, is it not? A. Yes, sir. Q. Then that does not interfere with the operations of Bates, Reed & Cooley's store? A. Not at the store. Q. You are familiar with West Broadway, are you not? A. Yes, sir. Q. And you have occasion to drive through there with your trucks? A. Yes, sir. Q. That is a street that is occupied by the double tracks of a railroad? A. Yes, sir. Q. That is a street that is traversed by various lines of cars, is it not? A. Yes, sir. Q. And those cars have been running in West Broadway and in College Place for the last twenty years or more, have they not? A. They have run a good while; I don't know how long. Q. As long as you can remember? A. Yes, sir. Q. As long as you can remember anything about the trucking business? A. Yes, sir. Q. There have been several lines of street cars running through West Broadway on those double tracks? A. Yes. Q. West Broadway at the present time is lined with large grocery houses, is it not; or rather numerous large grocery houses are located on that street? A. Quite a number of them, yes, sir. Q. And
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those grocery houses have occasion to handle large masses of goods, have they not? A. Yes, sir. Q. And numerous trucks and other vehicles approach and come from those stores every day? A. Yes, sir; but they don't load on.

Q. Excuse me; I am only asking you that question. A. Yes, sir. Q. Those grocery houses have been built on the line of the street railroad in West Broadway long since the railroad commenced operations in that street, isn't that so? A. Yes, sir. Q. They are substantially new houses—the grocery houses on West Broadway? A. They have been there for some time. Q. Well, comparatively new, I mean, within the last few years, large grocery houses? A. Yes, sir. Q. Handle immense quantities of goods and have great numbers of trucks coming to and leaving those stores which have been built on West Broadway since the operation of the railroads in those streets? A. Yes, sir. Q. Is there any street, to your knowledge, so much traversed by trucks and heavy loaded vehicles as West Broadway, notwithstanding the existence of the railroad tracks? A. I think Broadway is; yes, just as much as West Broadway. Q. Is there, in your mind, any substantial distinction? A. No, sir. Q. As to the mass of traffic in West Broadway or in Broadway—mass of traffic of this kind of vehicles that you have been describing—trucks and business wagons? A. No, sir. Q. The trucks and business wagons do traverse West Broadway, notwithstanding the existence of the railroad tracks, and notwithstanding the vast number of cars that run in either direction on those tracks every day. Isn't that so? A. They travel there because it is on their way. Q. They travel it, that is all? A. Yes, sir; and West Broadway is wider than Broadway is. Q. They travel it? A. Yes, sir; but these houses, that load on West Broadway, they don't back the trucks up to the curb; they back them clear up to the store, and they don't occupy the street. Q. I am not asking you about that, my friend; assuming a double railroad track to be laid in the centre of Broadway, do you know what would be the distance between the curbstone and the nearest railroad track in front of Bates, Reed & Cooley's store? A. I don't know the actual distance; I don't think it would be fourteen feet. Q. Suppose

- 1258 it was fifteen feet, wouldn't that afford ample opportunity for loading and unloading goods in front of Bates, Reed & Cooley's store? A. If it was fifteen feet. Q. Fifteen feet would afford ample space for loading and unloading trucks in front of Bates, Reed & Cooley's store in Broadway? A. I hardly think a truck could load there. Q. How wide is your truck? A. Fourteen feet. Q. Then, if there was a space fifteen feet, that would afford room for a fourteen-foot truck to stand? A. If there was fifteen feet, yes, sir. Q. Yes, if there was fifteen feet? A. Yes, sir. Q. There is such a thing as loading and unloading trucks, standing them parallel with the curb-stone, instead of at right angles? A. If you have a bridge, but that is an obstacle on the street, all the time; if you have a bridge you can. Q. Do you mean that you cannot load without a bridge? A. No, sir; not our cases. Q. You have been engaged in this trucking business for how many years? A. Thirteen years. Q. You do truck and drive your trucks and vehicles in streets where there are horse-car tracks, do you not? A. We have to; yes, sir. Q. When you are actually on the track with your truck the track is the easiest place in the street for the truck to run, is it not? A. It is the centre of the street, the street is higher in the centre. Q. It is the easiest; the railroad track would be the easiest and smoothest path for the truck, would it not? A. No, sir; not if we have the picking of the street, because the side is smoother, but there are generally trucks standing there on the side, and we are obliged to take the centre. Q. Is it not a fact, in your opinion, Mr. Platt, that the pavement between the rails of a railroad track is usually in a much better condition, and so kept by the railroad company, than any other part of the pavement? A. The centre of the rails? Q. Between the rails I mean; that is the path on which the car horses travel, is usually kept in much better condition than the pavement on any other portion of the street; isn't that so? don't the car companies keep it so for their own convenience; isn't that so? A. Yes, sir; but one horse has to go between the tracks, and the other has to go outside. Q. The horse that is between the tracks has a smooth and easy path-way, has he not? A. Yes, but the other horse does not. Q. And the wheel of
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the truck that rolls in the track itself has a much 1261  
smoother roadway than the other? A. Yes, sir. Q.

Now, in the Winter, truckmen, as a rule, seek the streets in which railroad tracks are laid when other streets in which there are no railroad tracks are encumbered by snow, do they not? A. Yes, sir; but it is an exception on Broadway because Broadway is always cleared. Q. Not always cleared, Mr. Platt?

A. It has been within the last ten years to my knowledge. Q. It takes time to clear Broadway, does it not? A. It is generally cleared at night, when we have abundant snow. Q. After a heavy snow-storm,

and before the cleaning of Broadway do not truckmen, as a rule seek the streets in which there are railroad tracks for the transportation of their goods 1262  
in preference to Broadway where the snow lies? A.

No, sir. Q. Don't, eh? A. No, sir. Q. They prefer to draw through the snow as it lies on Broadway rather than on the railroad tracks worked by the snow plows? A. There is so much traffic on Broadway that it gets soft. Q. Isn't Broadway after a snow-storm and until it is cleaned substantially a

bed of sand through which it is with the greatest difficulty that the strongest teams draw the lightest loads? A. Yes, sir; if the snow is there. Q. You have stated that you think that horse-cars would tend to increase the blockades on Broadway even if the omnibuses were removed; do you know how many omnibuses are running on Broadway to-day? 1263  
A. No, sir. Q. Suppose you were told that there

were two hundred and ten omnibuses running on Broadway south of Fourteenth Street, and suppose you were likewise told that one hundred cars would carry double the number of passengers that are now carried on the stages, would you say that the construction and operation of a horse railroad and the operation of cars on Broadway, would, with the removal of the stages, increase the blockades? A. Yes, sir. Q. You think one hundred cars would do more to impede general traffic on Broadway than two hundred and ten stages, do you? A. Yes, sir.

*Mr. Scribner:* That will do.

*By Mr. Fuller:*

Q. What do you consider the most crowded street in the City of New York? A. Broadway. Q. And

- 1264 you consider the most crowded street the best place to drive a truck heavily loaded, to you? A. I do, because Broadway has facilities for getting along; there are no stoppages—that is, not many stoppages—we have to stop occasionally, but no long stoppages. Q. You think substantially that the most crowded street is the best place to drive a heavy load? A. Not in all cases, but in Broadway it is. Q. What advantages has Broadway over any other street? A. It has not any horse-cars, and it is not blocked like West Broadway and those other streets. Q. You have just stated that Broadway is rounded in the centre and slopes on either side, so that you must keep on the centre of Broadway to make it equal to any other street; now do you consider in a
- 1265 crowded street like that, and being unable to keep on the centre of the street, that it is a better street to drive in than ordinary streets? A. Yes, sir. Q. Do you consider Broadway as convenient for taking a heavy load of truck from Canal Street north or south, as West Broadway and South Fifth Avenue? A. I think it is, yes. Q. The hills included? A. It is, with what experience I have, because I have to reach the store, and if I don't have to have one hill, why, I have another hill to climb, and I take Broadway in preference. Q. So you have either way, from Canal Street, to go up a hill. A. Yes, sir. Q. And you have to go on the centre of the street, or else your truck slews? A. Yes, sir. Q. When you could get on West Broadway or South Fifth
- 1266 Avenue, which are perfectly level and take any portion of the street or avenue? A. I would have a horse-car in West Broadway, and I would have to turn out for that horse-car. Q. Do you consider that a flat rail is objectionable to drive a truck in? A. The rails in New York—I don't know whether you consider them flat rails or not, but they are objectionable. Q. A great many are flat rails; what part of the railroad do you consider the best part to drive on? A. As a general thing one wheel is between the two tracks and the other wheel is on the track, as a rule, but then you are apt to hit vehicles from the opposite direction. Q. Between the out-side rails of both tracks where do you consider it is safest to drive a horse or truck? which is the best footing for horses and

the smoothest place for a truck to run outside of the rail, or out of the rail, rather? A. Well, one horse has to be between the two tracks. Q. What kind of a place is that to drive in? A. It is better than the side. Q. Isn't the best portion of a street between the two tracks, to drive horses? A. If there are horse-cars there, yes. Q. Don't you consider that a cable road in the centre of Broadway, with a flat rail would be a great help to trucking by keeping your track on the road and not allowing it to slew on either side, I mean with a four-inch rail? A. A cable road would not—a flat rail would be easier to turn off than one that is raised. Q. Don't you think it would be a help to Broadway for trucking purposes to have a flat rail on the crown of the hill that you could get into and drive along the crown of the hill and keep your truck from slewing on either side? A. I have not had any experience in that, but I think a flat rail would be easier. Q. But don't you think it would be better to have a flat rail to keep you on the top of the hill? A. Yes, sir; but we would have to turn out of the rail sometimes, and when we did turn off we would come down in the gutter. Q. You would get back as soon as you could? A. Yes, sir; but oftentimes when we turn off we have to come to a stand still on account of a truck standing on the side. Q. Don't you often have to come to a stand still in the crowded condition of Broadway? A. We try not to. Q. But don't you as a fact, have to? A. Sometimes.

*By Mr. Beaman :*

Q. You have been asked about West Broadway; how much wider is it than Broadway? A. I could not tell you how much wider it is. Q. Half wider? A. No, sir; there is room for two trucks to stand parallel between the curb and the track. Q. Between the curb and the track? A. Yes, sir. Q. And for two trucks to pass each other between the curb and the track on either side? A. Yes, sir. Q. You have spoken about Broadway not being blocked so much as West Broadway, is that so? A. When there is snow on the ground West Broadway is blocked more than Broadway. A. Why is that? A. Because the horse cars pile the snow up on the side, and we are obliged to keep in the track, but

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1270 when it is piled up on the sides it stays there. Q. And it makes it impassable on the sides? A. Yes, sir; so that only the centre of the street can be used. Q. State whether or not it would be a damage to the property occupied by Bates, Reed & Cooley, as it is now carried on, to have horse-cars on Broadway, which would interfere with their loading and unloading goods on Broadway? A. The work could not be done so promptly, and it is for our interest to truck our goods promptly; people coming in from near by, generally expect their goods to be shipped as soon as possible, and very many times we have to catch boats, and if we lose a certain boat it is a delay sometimes of twenty-four hours, and if it is a steamer it is a delay sometimes of a week.

1271 Q. And anything that produces delay in the prompt delivery of goods damages business to that extent? A. Yes, sir; and hurts customers. Q. And anything that hurts the amount of business or facility with which it can be done diminishes the particular value of that property to the tenants, does it not? A. It diminishes the value of the business; I don't know about the property. Q. You have spoken about that house of Bates, Reed & Cooley; is it not all organized so far as elevators are concerned, with the idea of receiving their goods on Leonard Street and delivering them on Broadway? A. We have certain kinds that we deliver on Broadway—— Q. I mean the other way; delivering them at Leonard Street and receiving them on Broadway? A. We have a system there; we deliver part of our goods on Broadway and part on Leonard Street; some go in the Broadway elevator, and the next building—343—and we have to run them into the store—— Q. Do you do anything in the way of delivering or receiving goods there except to do it in the most expeditious and economical way?

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*Mr. Scribner:* I object to that.

Q. State for what purpose you adopted this principle of delivering and receiving goods at Bates, Reed & Cooley's place of business; state why you have this custom that you have described of delivering at one place and receiving at another? A. Goods delivered at 343 Broadway, they only have

to be removed from there into the store, and if they 1273  
 were delivered by Leonard Street they would have  
 to be trucked way around, and therefore interfere  
 with the people walking on Broadway, and it would  
 be more handy to pass them to and fro on Broad-  
 way. Q. State whether or not you have any object  
 in view except convenience and economy and speed?  
 A. That is all. Q. What is the general business  
 carried on on Leonard Street below you? A. Com-  
 mission houses and dry goods. Q. And a good  
 deal of trucking on that street? A. Yes, nearly  
 every building there has trucking done. Q. Then  
 they have their own truckmen? A. Yes, sir. Q. And  
 they are delivering and receiving goods on that  
 street? A. Yes, sir. Q. What proportion of the  
 total amount of goods received by you from Bates, 1274  
 Reed & Cooley are received on Broadway? A.  
 There are more received on Leonard Street than on  
 Broadway. Q. What proportion; are there more  
 delivered on Leonard Street than on Broadway? A.  
 Well, more delivered on Leonard Street than on  
 Broadway. Q. More received on Leonard Street?  
 A. I beg your pardon; more received on Leonard  
 Street than on Broadway, and most all our goods are  
 delivered from Broadway.

*By Mr. Scribner :*

Q. It would be possible for Bates, Reed & Cooley  
 to extend their premises so as not to use the side-  
 walk for a coopershop, wouldn't it? A. That is 1275  
 something I have nothing to do with. Q. The use  
 of the sidewalk by Bates, Reed & Cooley does not  
 tend to facilitate travel on Broadway, does it, on the  
 sidewalk? A. We don't have it on Broadway. Q.  
 Well, on Leonard Street, where they do it? A.  
 There are not many foot passengers there; it does  
 not interfere with them at all. Q. Therefore to  
 avoid the interfering with foot passengers you use  
 the sidewalk for a coopershop? A. Yes, sir;  
 Leonard Street is more convenient. Q. It is because  
 you use the sidewalk for a coopershop that there is  
 not the same convenience on Leonard Street for re-  
 ceiving and delivering goods, that there otherwise  
 would be? A. The greatest objection we have—  
 Q. Answer that question, please, isn't it because

- 1276 Bates, Reed & Cooley use the sidewalk for a coopershop that there is not the same facility on Leonard Street for the receipt and delivery of goods that there otherwise would be; isn't that the fact? A. Well, we have to deliver our cases. Q. You have just stated that the reason you can't deliver more goods on Leonard Street, is because the coopers are at work on the sidewalk; now, if the sidewalk was not used as a coopershop, it would facilitate the receipt and delivery of goods there, would it not? A. The street would be full of cases, anyway, there would not be room to back in when we were busy. Q. Is the trouble about Leonard Street, in respect to the receipt and delivery of goods, affected in any manner by the fact that the sidewalk there is used as I have described it, by  
1277 Bates, Reed & Cooley, as a coopershop? A. Yes, sir.

*Mr. Scribner:* That is all.

*By Mr. Beaman:*

- Q. You have spoken about unloading by means of a bridge; what is a bridge as used for a truck; does it go over the wheels? A. No, sir; it is a platform which is laid in the street; I have never used one there. Q. It would block up Broadway if it was used? A. It would be an obstacle in the street all the time. Q. And would interfere with the foot travel on Broadway, would it not? A. Not with foot travel, with the trucks it would; it would remain in the  
1278 street; it is put in the street behind a truck where it stands parallel with the sidewalk. Q. It is, then, something that is dropped down behind the truck, and then you unload from the truck on to the bridge? A. Yes, sir. Q. And then from the bridge on to the sidewalk? A. Yes, sir. Q. Those are not practically used at all in Broadway? A. No, sir; they are an obstacle in the street; they are generally made up level with the sidewalk. Q. You have spoken of what Mr. Scribner speaks of as a coopershop; just state exactly what is done by Bates, Reed & Cooley in regard to coopering their boxes on Broadway? A. The cases are run out of the packing room and laid on the sidewalk, and it doesn't take up much room on the sidewalk; but if I should back in there I should back in just in front of the coopers,



and they couldn't turn their cases over; I would be 1279  
 in their way. Q. And the cases are only there temporarily while you can get a chance to load them?  
 A. Just while the coopers are strapping them; it probably takes a cooper two minutes to strap a case.  
 Q. And they are only there temporarily for that purpose? A. Yes, sir. Q. And when they are coopered your trucks take them right away? A. Yes, sir. Q. About how many loads do you take from Bates, Reed & Cooley in the busy season? A. Well, I don't know; somewhere from forty to fifty loads, I should think. Q. Do you sometimes have to work, in the busy season, at night? A. Yes, sir. Q. What time nights? A. We have work until twelve o'clock and one o'clock. Q. And of course at that time of the year, when you are busy, other houses are also busy? 1280  
 A. Yes, the busy season for trucks is Spring and Fall. Q. From March? A. Well, from the middle of February to the middle of May. Q. And then begins again about the latter part of July and lasts three months? A. Yes, sir; and the Fall trade is longer—to the first of November or the middle of November.

*By Mr. Scribner:*

Q. I forgot to ask you a question about West Broadway, where you say this great mass of trucks and business vehicles of all kinds travel; there are not only double tracks of horse railroads in that street, but elevated railroad tracks also; isn't that so? A. Yes, sir. Q. With column's? A. Yes, sir. Q. Planted about fourteen feet apart? A. Yes, sir. Q. 1281  
 At short distances, at all events? A. Yes, sir. Q. Elevated railroad's columns? A. Yes, sir. Q. Isn't the effect of that substantially to divide West Broadway into three lines or alleys? A. No, sir; we don't have very much trouble with the elevated railroad; we go right around those columns. Q. You can turn right in and around those posts, notwithstanding the elevated railroad tracks and the horse-car tracks too? A. It is no trouble to pull a load around, as long as you are on the track; the greatest difficulty is—  
 Q. At all events, there is, in West Broadway, where this mass of travel concentrates—of trucks and other vehicles—there are not only those tracks of the street railroads but the posts of the elevated railroad; that is so, is it not? A. Yes, sir. Q. And are they

1282 not large posts, the posts of the elevated railroads! A. I don't know how large they are. Q. About fourteen inches, are they not? A. I should think they were wider than that. Q. Thicker than that? A. Yes, sir. Q. And at the best, something like two feet square? A. Yes, sir. Q. At best? A. Yes, sir. Q. And those stand how near to the horse-car tracks? A. I don't know how near they are on West Broadway.

WILLIAM D. QUIMBY, calley as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

1283 *By Mr. Beaman:*

Q. What is your business, Mr. Quimby? A. I am in the trucking business. Q. Where do you live? A. 340 Grand Avenue, Brooklyn. Q. How long have you been in the trucking business? A. I have been with my father seven years; he has been in it 35 years. Q. Is he alive? A. Yes, sir. Q. And in business now? A. Yes, sir. Q. Under what name do you carry on business? A. B. W. Quimby. Q. That is your father's name? A. Yes, sir. Q. Have you ever been a practical driver yourself? A. No, sir. Q. How many trucks do you have—your firm? A. About 15. Q. Where is your office or particular place of business? A. 78 Worth Street. Q. Are you general truckers? A. We do the business for  
1284 Tefft, Weller & Co., Broadway and Worth Street; Taylor Brothers, and about half a dozen other houses, Q. Won't you name the other houses? A. Taylor Brothers, Manufacturers' Pin Company, T. B. Shore, Wallace & Sons, Peck, Stow & Wilcox Company, and then quite a number of factories who consign their freight, throughout Connecticut and New York State; I can't remember the names at present. Q. Your largest customer is Tefft, Weller & Co.? A. Yes, sir. Q. What is their business? A. Dry goods. Q. Commission merchants? A. Jobbing house. Q. Where is their house? A. 326, 328 and 330 Broadway. Q. That is between what streets? A. Between Worth and Pearl. Q. Do they extend to Pearl? A. Yes, sir. Q. On the rear? A. Yes, sir; there is an L through to Pearl Street and on to Worth Street too. Q. But on

Broadway they don't go to Worth Street, do they? 1285

A. No, sir. Q. That is, as I understand it, they have three doors on Broadway—three numbers—and then on an L they go through on one side to Worth Street, and on the other side to what street?

A. To Pearl Street. Q. That is, on the rear, they extend from Pearl to Worth Street? A. Yes, sir.

Q. Do they occupy the whole of that building? A.

Yes, sir. Q. Jobbing in foreign and domestic goods? A. Yes, sir. Q. About how many trucks

do they employ in their business exclusively? A.

We use about ten trucks there. Q. For their business? A. Yes, sir. Q. Do you bring in most of

their imported goods? A. No, sir; we don't have much to do with riding them in; we have the ship-

ping. Q. Who does the riding in? A. The principal houses that they purchase goods from deliver 1286

the goods to the store. Q. So that your business is mostly riding out? A. Yes, sir. Q. Where are

their goods mostly received? A. On Pearl Street.

Q. At all times of day? A. Yes, sir. Q. Where are they delivered or taken out? A. Well, they

are taken out on Worth Street, but on account of the Second Avenue horse-car track we have to back

our trucks in on Broadway, which causes the truck-

ing up of the goods about 200 feet from Worth Street to Broadway to put them on the trucks. Q.

Hand-trucking them up, you mean? A. Yes, sir.

Q. How long has that track been in Worth Street?

A. That I couldn't say; but Tefft, Weller & Co. have occupied that place about five years. Q. Was

it there before? A. Yes, sir. Q. If it was not for that horse-car track would you deliver your goods 1287

mostly from Worth Street? A. We would take all our goods from Worth Street; but if we attempted

to do so now we would block the railroad cars, and if we block the railroad cars for five minutes we are

liable to a fine of ten dollars, and we cannot load a truck less than ten minutes. Q. What do you say

about this fine if you block a railroad track? A. There is an ordinance to the effect that if you block

a railroad car for over five minutes you are fined. Q. They don't receive or deliver any goods on

Worth Street, then? A. No, sir; with the exception of express packages; the express wagons come

in sideways, but no long wagons can back in there. Q. The express wagons can come in sideways?

A. Yes, sir. Q. But the other goods are taken

- 1288 from Worth Street up to Broadway? A. Yes, sir. Q. How far down Broadway are they taken? A. Well, from the corner of Broadway to the hatchway is 150 feet, and then they have to go across that property that they don't occupy on Broadway, and, of course, that is about 50 more—about 200 feet. Q. Then, if I understand you, all the deliveries of that large firm are delivered on Worth Street, then put on hand-trucks and trucked up Worth Street 150 feet, and then along the front of this next man's store, and then put into trucks in Broadway? A. Yes, sir. Q. And those trucks are backed up to the sidewalk? A. Yes, sir; backed up to the sidewalk. Q. Is there any other practical way of doing it? A. There is no other practical way; we tried that bridge, but that closed the whole front of the store,
- 1289 and there was no way for express wagons to come there and get goods, and we couldn't load more than two trucks at a time, and there would be eight or ten waiting probably. Q. What number of trucks is it common for you to have loading at one time, on Broadway, in front of Tefft, Weller & Co.'s store? A. Sometimes we load five or six at a time, but in busy seasons I have had as many as fifteen loading up over night. Q. Is it frequently necessary in your business to work nights? A. In busy seasons we have to. Q. And working how late at night? A. We have worked as late as twelve o'clock at night. Q. And that is necessary to get off the goods that are sold? A. Yes, sir. Q. To-day, how many were loading on Broadway at any one time? A. When I came
- 1290 away there were seven backed in. Q. Two-horse trucks? A. Two-horse and one-horse trucks. Q. And those were loading with goods in the ordinary course of business, to be delivered mostly to New York parties or to the freight depots? A. Mostly for Southern freights at this time of day, on Saturday, to steamer lines. Q. And it is necessary to get some steamers—to get some steamer or a train at a certain time? A. Yes, sir. Q. And the goods are being brought up in hand-trucks? A. Yes, sir. Q. To get to those carts? A. Yes, sir. Q. How long does it take, ordinarily, for one of those trucks to get backed up and get loaded, supposing it is done with all such facilities as you can apply to it and use in the course of your business? A. About fifteen to twenty minutes. Q. How large loads do

you carry? A. Well, according to how business is; 1291  
 sometimes we put on pretty heavy loads. Q. You  
 get on all you can at times? A. Yes, sir. Q. But  
 about what is the weight of the packages? A.  
 Well, the average weight of a package of dry goods is  
 about, I should say, about four hundred pounds to  
 four hundred and fifty pounds. Q. And all boxed up  
 in cases? A. Yes, sir. Q. Can one man load or un-  
 load, or does it require two? A. We generally have  
 three or four men loading. Q. How about unload-  
 ing? A. Two to one load; then there is the hand-  
 truckmen. Q. You have also hand-truckmen? A.  
 No, sir; that is a different lot of men; they bring  
 up the goods, put them on Broadway, and the truck-  
 loaders take them and put them on the trucks; we  
 have two sets of men. Q. What part of the busi-  
 ness are you attending to? A. I attend to the tak- 1292  
 ing of the freight on to the trucks to see that they  
 tally with the receipts, and that we get the right  
 amount and number of packages, and to keep track  
 of the thing generally. Q. You are there, right on  
 Broadway, attending to your business? A. Yes,  
 sir. Q. Now, have you ever measured any of your  
 trucks to see how far they extend out on the street?  
 A. About 10 feet in the street when they are backed  
 in, and about 4 feet over the curb; they are 14 feet  
 long, and 4 feet extends over the sidewalk, and 10  
 feet into the street. Q. Have you measured to see  
 how far, when the horses are turned up or down,  
 the wheel extends beyond the body of the truck?  
 A. I should judge about a foot and a half or two  
 feet. Q. What, in your opinion, would be the ef-  
 fect on the trucking business, as you know it to be 1293  
 carried on on Broadway, of having a double-track  
 railroad on Broadway for horse-car purposes, and  
 horse-cars running up and down? A. I don't  
 know; I should think they would have to get the  
 buildings in the rear; they have driven us from  
 Worth Street, and if we have to get out of Broad-  
 way I don't know where we can go to. Q. You  
 think it would very much interfere with the business  
 of Tefft, Weller & Co., as far as the delivery of  
 goods is concerned? A. Decidedly.

Q. What effect would it have upon the general  
 use of Broadway for trucking purposes? A. Well,  
 I should think it would be a continual block; if you  
 take and back a truck on Tefft, Weller & Co.'s side  
 of the street, and let a truck back in on the other

- 1294 side of the street, that leaves fifteen to eighteen feet, and you can send through there two lines of trucks; but if there is a car coming from one side and another from the other side no one can get through, and there would be a blockade. It would be all chock-a-block? A. Yes, sir. Q. What places are opposite Tefft, Weller & Co.? A. Howe's Scale Works, William Simpson, Sons & Company. Q. You have seen how they deliver and receive goods at those houses? A. Yes, sir. Q. How do they do it on Broadway? A. From Broadway, yes, sir; there is no other way. Q. They are, therefore, under the necessity of backing up and unloading just the same as you are? A. Yes, sir. Q. Only they do their loading and unloading there, while you
- 1295 only do your loading? A. Yes, sir. Q. About how many loads a day, do you, in the busy season, deliver from Tefft, Weller & Co.? A. Well, I could not tell you the exact number of loads; we average from six to eight packages a day. Q. Off of Broadway? A. We have had as many as twelve hundred. Q. Twelve hundred packages a day? A. Yes, sir. Q. And twelve hundred packages would make how many loads; how many to a load, as many as twenty? A. Sometimes twenty and sometimes more, and some class of goods sometimes less. Q. What effect would the placing of such a car-track on Broadway, and the use of it by horse railroads, have upon the use of Broadway so far as it would be a convenient place for carrying goods or for the pas-
- 1296 sage of vehicles? A. I don't really know how they could get along with a horse-car track on Broadway: as it is now, it is very much crowded; the stages, of course, can get around a block, if necessary, but a horse-car has to stand there. Q. That is, a stage not only can move around in Broadway in various places, but it can, if necessary, get out of the way altogether? A. Yes, sir. Q. And you don't see any such opportunities if there were horse cars instead of stages? A. Horse-cars have got to go in one straight line; there is no way of their turning out. Q. To what extent is Broadway used for the general transportation of goods between these large houses on Broadway? A. That is the only street that they can use; going down-town they have to use Broadway as far as Dey Street, and going up-town they have to use it up as far as Canal; it depends upon what stations they are going to; that is

the only street they can use. Q. That is, outside of 1297 the trucking on Broadway for stores off of Broadway, the trucking, as you view it, for delivering, for instance, goods from Teft, Weller & Co.'s is substantially confined to Broadway up and down? A. Yes, sir. Q. To the places where you are going to strike the shipping points? A. Yes, sir. Q. How would the running of horse-cars on Broadway compare with the running of omnibuses on Broadway, so far as it affects your business? A. Well, as the omnibuses are they are no bother at all; but horse-cars—it is the track, it is not the cars; if they could run the cars up and down there without having a track it would be all right; but that is where the trouble comes in about blocking and in driving trucks. Q. That is, the trouble is that these vehicles are confined to specific places? A. Yes, sir. 1298 Q. It is not that a car is larger than an omnibus, or that the pole is any worse or anything of that kind? A. No, sir. Q. What part of the delivery and receiving of goods on Broadway, between Chambers Street and Fourteenth Street, is of necessity done on Broadway itself? A. I should think a majority of the houses receive their goods on Broadway between Chambers Street and Fourteenth Street. Q. And deliver on Broadway? A. Yes, sir; there are few houses that have alleys on the rear; but to a great extent it is done on Broadway. Q. Do you remember any particular alleys or any particular houses that have alleys? A. Well, take it up in the neighborhood between White and Canal, there is an alley 1299 there.

Q. On one side of the street? A. Yes, sir. Q. On the left-hand side going up? A. No, sir; it is on the right-hand side going up; and then there is a short alley between Franklin and White on the left-hand side. Q. That is only one block? A. Yes, sir. Q. Those are the only alleys that you remember? A. Yes, sir. Q. As you go above Canal Street, are there any alleys except when you get way through to Mercer Street? A. I don't know of any. Q. Or on the right hand side? A. No, sir. Q. Mercer street is how far from Broadway? A. One block west of Broadway. Q. What proportion of the stores extend from Broadway to Mercer Street? A. Well, there is quite a number up there that do extend to Mercer Street; but you will find the larger number on the right-hand side of the

- 1300 street going up that don't extend through to Crosby Street. Q. But there are some that extend through to Mercer Street, are there not? A. Yes, sir. Q. And some to Crosby Street? A. Yes, sir. Q. Do you do much trucking for those houses up there? A. No, sir. Q. So far as there are manufactories of goods of any kind on Broadway, is it not true that their goods in the raw state and manufactured state are received and delivered on Broadway on the front? A. Yes, sir. Q. Is the trucking business growing or diminishing in Broadway? A. I think it is increasing. Q. Is it going further up-town or down-town? A. I don't think it is; it has, I think, about one location—that is as far as I know; of course there are a great many houses going up-town.
- 1301 Q. Where do your drivers mostly live; in New York City? A. Well, in New York, mostly around the east side. Q. And do you keep your own stables? A. Yes, sir. Q. And they take care of their own horses? A. Well, we have a stableman that takes care of the stable; they take care of the horses.

*By Mr. Fuller :*

- Q. Mr. Quimby, you do considerable trucking, you say, on Broadway? A. Yes, sir. Q. You don't find the stages any objection? A. No, sir. Q. You think they are rather a desirable vehicle? A. Well, of course, if they were not there there would be
- 1302 a little more room; but they are not in the way at all, as railroad cars would be. Q. Is there any kind of vehicle that you ever heard of in your life, or that you ever met in your life, that you are as much afraid of as of them going ten miles an hour? A. They never bother me any. Q. You would want to get out of the way of them? A. They generally get out of my way. Q. They do? A. Yes, sir; I cross Broadway a number of times a day, and I never come into collision with them. Q. Have you ever had a stage strike your trucks? A. No, sir; but the trucks very often strike the stages. Q. Which generally gets the worst of it? A. Well, the stage as a rule. Q. No matter which is going fast or slow? A. The most trucks that interfere with stages are the double trucks, and they generally strike against the poles or they strike them. Q. If a truck is going very slow, and a stage is going very



fast, and they come in collision, which is liable to be injured most? A. The stage, as a rule, as the companies claim it is our fault every time there is any damage of that kind. Q. Then you think it would be rather a misfortune to take the stages off Broadway? A. Well, I don't say it would be a misfortune to take the stages off of Broadway; I say that the stages would not be in the way as much as the cars would be. Q. Don't you think that cars running on Broadway would be less objectionable than stages? A. If they could switch out when they came to a block, and get out of the way, it would be all right; but they couldn't get out of the way of anything; then the car tracks are a great objection; then when you are backed in and loading or unloading, and a car comes along, you have probably got to cause a delay to twenty-five or thirty passengers in that car until you are loaded or unloaded, and turned around and get out of the way. Q. You stated a little while ago that a truck backed up on either side of Broadway left fifteen or eighteen feet, and that stages could go through? A. No, I said that was the distance between, so that stages could go through.

Q. What space do two cars take going up through? A. Well, I couldn't say exactly; but I know a truck backed in would extend fully a foot or a foot and a half over the rail, because on Worth Street there is only a single track, and we never back in there. Q. Speaking about Broadway, there are about 18 feet between the rails, so that cars could pass—couldn't cars pass if there were 18 feet? A. Well, that only leaves 11 feet on each side, and you take and back in a 14-foot truck and there would be 10 feet, allowing 4 feet of tail extending over the sidewalk. Q. Then there is not so much space between the tracks? A. I say there is 18 feet in the centre; I should judge Broadway is about 40 feet wide, and that would leave 22 feet. Q. About how much does a truck take up with horses when the wheels are turned around? A. The hub and all, I should judge it would go a foot or a foot and a half on the rails. Q. How many feet does your truck take? A. It is 14 feet in length. Q. That is 28 feet for both sides? A. Yes, sir. Q. That leaves about 16 feet, if Broadway is 44 feet wide? A. Yes, sir. Q. Can't you drive a truck loaded a great deal better along by the side of the car, or behind a car, if you wanted to go

- 1306 by, than you could a stage? A. No, sir; stages will get out of your way, or you can get out of a stage's way. Q. You know always where a car is going? A. Yes, sir. Q. Do you ever know where a stage is going? A. Yes, sir; when they are headed up town they are going that way, and when they are headed down they are going down. Q. Do they always keep headed one way? A. I should think so. Q. They don't turn right and left? A. They may not use vehicles all the same way, but I never saw a stage headed up town turn around and come down town again. Q. They turn right across the street? A. Well, they cannot turn much. Q. They do head you off sometimes, don't they? A. Well, then the drivers of the stages and trucks settle that dispute among themselves. Q. Don't have a wrangle over it? A. Nothing very severe. Q. And sometimes a fight? A. Very seldom have a fight; they generally talk it out. Q. Don't you consider that a man with a heavy loaded truck can always drive along the side of a car with less stoppages than among the stages? A. No, sir; if a truck is heavily laden and is on a car track, it must get out of the way of a car, and then it makes it difficult for a heavily laden truck to get out of the car track, and by the time they are swung around they would probably have to cross the track twice. Q. What stops you oftener—a car or a stage? A. Cars, as a rule; you can see that in the afternoon up in Worth Street; if there is one truck backed in  
1308 there you will see four or five cars blocked.

*By Mr. Scribner :*

Q. Won't you tell me where Tefft, Weller & Co.'s store is? A. 326, 328 and 330 Broadway. What street is that cross street? A. It is between Worth and Pearl. Q. It is evidence here that the carriageway of Broadway at Worth Street is 41 feet and 1 inch, and the carriageway at Pearl Street is 40 feet and 6 inches; suppose a railroad track was constructed on Broadway between Pearl and Worth Street, in the centre of the street—double tracks, occupying together, and with the space between them, only 15 feet of the carriageway of Broadway. what then would be the width of the carriageway from curb to track on either side? A. Well, it would be 25 feet if the rail only occupied 15 feet. but a car, as a rule, is hollowed out. Q. Please

answer my questions and we will get along much better; you will shorten your time and diminish my labor if you will only pay attention to my questions; that would leave 25 feet, you say? A. Yes, sir. Q. That is on the calculation that Broadway is only 40 feet wide, whereas the evidence is that the carriageway of Broadway between the curbs at Worth Street is 41 feet and one-half inch? A. Yes, sir. Q. That would leave 26 feet 1 inch there? A. Yes, sir. Q. There would be 13 feet to be divided on either side; A. Yes, sir; 13 feet on each side. Q. And at Pearl Street, being 40 feet and 6 inches, it would leave 12 feet 9 inches on either side? A. Yes, sir. Q. You have stated that you have this morning, in front of Tefft, Weller & Co.'s store, seven trucks backed up there? A. Yes, sir. 1310

Q. Do you know of any law that entitles Tefft, Weller & Co, to occupy that much of Broadway to the exclusion of other travel, for the purposes of their private business? A. Well, the city ordinance is that you can use that space in the transportation of goods and they have to use that to load and unload their goods; they don't block the streets at all as it now is. Q. But you keep continually seven trucks backed up there, don't you, which substantially occupy the entire front of that store for the private purposes of Tefft, Weller & Co.'s business? A. Well, the firm has got to do their business somewhere. Q. They have got, you say, a rear entrance on Pearl Street? A. Yes, sir. Q. And they have got another entrance on Worth Street? A. Yes, sir. 1311 Q. And nevertheless this morning, when you left there, there were seven trucks backed up occupying the space on Broadway between the curb-stone and the centre of the street? A. Yes, sir. Q. And, as a matter of course, they excluded the public, for the time being, from the use of so much of the street as was occupied by seven trucks? A. Just about. Q. Aside from the inconvenience that Tefft, Weller & Co. would experience by using the public street for the purposes of private business do you conceive that the general public, by which I mean the people of the State of New York and the citizens of the City of New York, including and not excluding the merchants of the city—do you think that they would derive some advantage from the construction and operation of a railroad in Broadway; that is, do you think that the public travel would be facilitated;

- 1312 do you think that the people of the State, who did not desire to cart goods for themselves on Broadway, would be facilitated by the construction of a railroad on Broadway? A. I do not think they would be facilitated any more than they are by stages; they have stages there and cheap cabs running up and down; and they would carry all the people necessary, I think. Q. About these cheap cabs, do you know about what is the average rate of a cabman's charge between the Battery and Union Square? A. About fifty cents. Q. And do you understand that the railroad company proposes to carry people for that distance for only five cents, and beyond that, too? A. They have got the same privilege of riding in a five cent stage. Q.
- 1313 How many stages are running on Broadway? A. I should think in the neighborhood of 150 or 200. Q. Suppose you were told that there were 210 stages occupying Broadway between the Battery and Union Square, and suppose you were told that 100 cars would accommodate twice as many passengers as those 210 stages, would you say then that the construction and operation of a railroad would facilitate public travel in Broadway? A. Well, there are a great many stages go down to Fulton Ferry and Wall Street Ferry. Q. No, no; I am talking about Broadway. A. Yes, on the lower part of Broadway. Q. Don't you, as a general thing, prefer a street-car to a stage, traveling up-town? A. I take the stage because it is handy. Q. If there were a street-car running on Broadway, and a stage between the Battery and Union Square, and you had that journey to make, which would you take? A. I would take the stage because I think I could make the journey quicker. Q. You think you could make the journey with an omnibus quicker than with a horse-car? A. Yes, sir. Q. Do you state that as a matter of fact? A. I state it this way, that if a railroad was on Broadway it would be more or less blocked, and stages could get through, and you could make better time by taking the stage. Q. I will go back to this truck business; the largest truck that you have got is 14 feet long, is it? A. That is about the average size, I could not say exactly; we may have some longer and we may have some shorter. Q. A 14-foot truck is a long truck, is it not? A. Yes, a common dry goods truck. Q. And it is the largest truck, in accordance with

your recollection, that you have occasion to use in 1315  
 your business? A. That is what we call a 14-foot  
 truck; that is the length of the body; the wheels  
 that project out in front would make it one and one-  
 half or two feet more. Q. That is when your truck  
 is backed up in the manner you have described for  
 the reception or delivery of goods? A. Yes, sir. Q.  
 When it is backed up that way the tail of the truck  
 projects four feet over the sidewalk, does it? A. I  
 should judge from about two to four feet. Q.  
 Haven't you said four feet within the last ten  
 minutes to Mr. Beaman? A. Yes, four feet; I have  
 not got the exact measurements.

Q. That reduces the length of this truck as an ob-  
 struction in the street to ten feet, does it not? A.  
 Well, the obstruction when the truck is turned 1316  
 around would measure about a foot and a half to two  
 feet more, and that would make the truck and all  
 about sixteen feet; and that would make it twelve  
 feet taking off the four. Q. Twelve feet after de-  
 ducting the tail which projects over the curbstone?  
 A. Yes. Q. And adding the projection of the  
 wheels, would make the total obstruction twelve  
 feet? A. Yes, sir. Q. Therefore, if a railroad  
 should be so constructed as to allow twelve feet of  
 space between the side of the car and a truck of  
 yours backed up in the manner that you have de-  
 scribed in front of Tefft, Weller & Co's. store, the  
 railroad then would not interfere with the operation  
 of your trucks? A. That is the distance between  
 the tracks, as I understand it, and the curb; but a 1317  
 car is a good deal wider than the track. Q. Please  
 answer my question; if a railroad was so con-  
 structed in Broadway as to leave a space of twelve  
 feet between the curb and the side of a car then the  
 operation of the railroad would not interfere with  
 your loading and unloading goods? A. Not ex-  
 actly. Q. It wouldn't at all, would it? all you want  
 is twelve feet of space between the rail and the side  
 of the car to do your business? A. What are the  
 other people going to do while we are backed in  
 there? Q. I am talking about your business; I  
 say, that portion, if there is twelve feet space be-  
 tween the curb and the side of a car passing, is  
 enough for you to do your business? it wouldn't  
 interfere with your business? A. No, sir; but it  
 would just raise the wheels I should judge. Q. If  
 you could get an inch that would be ample space?  
 A. I should judge so. Q. You say that stages are

- 1318 of no substantial interference with your business or with the traffic in Broadway ; you happen to know whether, as an ordinary rule, stages have poles or not ? A. They have, sir. Q. And the poles of the stages—do you happen to know how they compare with the length of the stage itself—with the length of the stage body ? A. They are considerably longer than the body. Q. They are considerably longer than the body ? A. Yes, sir. Q. They are considerably longer than the horses, are they not ? A. Yes, sir ; they have to be. Q. They project beyond the heads of the horses ? A. Yes, sir. Q. Do you know whether street-cars are ordinarily run with poles or without poles ? A. Without poles. Q. Then, so far as the team is concerned, it is much
- 1319 easier to turn out or swing off a car team to avoid an obstruction or to permit the passage of vehicles than a stage team ? A. Well, you take a car on a car track—— Q. I want you to answer my questions, and not go into matters that I don't ask you. A. They cannot swing a car team right directly off a track, because they cannot get the brakes on quick enough. Q. Did you ever drive a street-car ? A. No, sir ; but I have seen it done. Q. Haven't you a thousand times in your life, Mr. Quimby, seen a car brought to a standstill, and the horses swung right around so as to form no obstacle in front of the car ? A. Provided there is plenty of sand on the track and nothing to make it slide ; but there are plenty of down grades—— Q. We are
- 1320 not talking about the grades ; now, take a car in motion, and assume the car to be stopped by sand or dynamite—I don't care which—you can swing the team around ? A. Yes, sir. Q. And you cannot swing around a stage team ? A. You can swing a stage team around. Q. The pole don't interfere ? A. Well, yes, it might, but—— Q. And whatever obstruction to travel is caused by a pole in a stage don't exist in the case of a street car without a pole ? A. Well, you want to look out for your horses if you swing around that way. Q. Haven't you seen a thousand horses swung around in just the way suggested now, speaking now about street cars ? A. Yes, sir. Q. And you know that cannot be done with a stage ? A. A stage can swing around horses just as well. Q. Is all your testimony just as accurate as that statement is ? are you willing to have your entire testimony here in respect to this

matter judged by the accuracy of the statement 1321  
 which you now make that a pair of horses with a pole attached to a stage can be swung around as easily as a pair of horses attached to a horse-car without a pole? A. I would rather pay for breaking a stage-pole than for a car team. Q. That is the only answer you wish to make to that question? A. That is the only answer I can make.

Q. Mr. Quimby, you know that in West Broadway there are three times the number of cars running that would be required for the ordinary business of a street-car railroad on Broadway, don't you? A. Yes, sir. Q. And you know that West Broadway has not only a double railroad track in it, that is, two tracks, on which cars are running in opposite directions, but that it also has an elevated 1322  
 road? A. Yes, sir. Q. And you know, also, that West Broadway has, within recent years, been occupied with new-built grocery stores, doing a vast business, do you not? A. Yes, sir. Q. And that those grocery stores require an immense number of trucks delivering and receiving goods; you know that, don't you? A. Yes, sir. Q. And you know, do you not, that West Broadway is traversed by as many trucks, going up and down town, as traverse any like portion of Broadway, don't you? A. Well, there is quite a number; I don't think there is as much travel on West Broadway as there is on Broadway, with the exception of cars. Q. Don't you think there are, independent of the cars, just as many trucks and business wagons that travel up 1323  
 West Broadway, notwithstanding the existence of street-car tracks, and notwithstanding the existence of the elevated railroad there, with the encumbrance caused by the posts of that elevated railroad; don't you know that just as many trucks and business wagons travel there as travel on Broadway? A. Well, Broadway is used by the merchants who are going down— Q. I don't care anything about that; if you would only confine your attention to the questions I ask you, and answer those, we would get through in one-half the time; the question is whether, as a matter of fact, notwithstanding the obstructions caused by the elevated railroad structure in West Broadway, and notwithstanding the existence of the double street-car tracks in West Broadway, and notwithstanding the fact that you admit that West Broadway is traversed by three

- 1324 times the number of cars that would be required to do the passenger business on Broadway, West Broadway, between College Place and Canal Street, daily, and every day, and at all hours of the day, is not traversed by at least an equal number of trucks, wagons, and business vehicles as travel on Broadway between the same points? A. I don't think it is, sir. Q. What would you say is the difference? A. I couldn't give the exact number, but I do not believe there is as much travel on West Broadway as there is on Broadway; as far as the grocery houses are concerned, they use the sidewalks over which they back their wagons; I know they had objections to Tefft, Weller & Co.'s using the sidewalk; they don't use the sidewalk. Q. But
- 1325 they use the sidewalks to store their goods on while they are being loaded and unloaded? A. Yes, sir; to load and unload. Q. They use it so as to substantially not only confiscate twelve feet of the carriageway of Broadway with seven trucks, but so as to confiscate most of the sidewalk to do their business on Broadway, notwithstanding they have got an entrance on Worth Street and on Pearl Street? A. There is no way to get the goods out of the building unless they cross the sidewalks; they have got to cross the sidewalks to get on to the trucks. Q. They stay on the sidewalk a good long time, don't they? A. No, sir; not very long. Q. They stay there so long that they are there during substantially the business hours of the day—side-
- 1326 walks filled with boxes? A. Yes, but not the same boxes. Q. So that scarcely any hour of the day do they afford passageway for pedestrians? A. Yes, sir; we always have to keep an open passage; if we didn't there would be trouble. Q. And are you conscious of the fact that there is a railroad, and has been, for twenty years on Broadway, north of Seventeenth Street? A. Yes, sir. Q. And are you conscious of the fact, that a vast quantity of business of all kinds is done on Broadway, between Seventeenth Street and Forty-second Street? A. Most of that business is taken home in parcels, where they don't have much shipping of goods. Q. Broadway, between Seventeenth Street and Forty-second Street, is traversed not only by the various lines of street cars, that run on the double tracks there existing, but by business wagons, and trucks and wagons of all kinds and description, is it not?



A. Yes ; but there isn't near the travel up town that there is down town. Q. That is, the truckmen don't occupy so much of it. A. No, sir. Q. In the absence of trucks, however, there are a great many private carriages and livery carriages that don't traverse Broadway south of Union Square ; isn't that so ? A. Quite a number up there. 1327

Q. Isn't that so ? you find a great many more private carriages north of Seventeenth Street than you do south of Union Square, don't you ? A. Yes, but you will find public hacks, &c., down here. Q. Don't you find five to one of livery carriages on Broadway north of Seventeenth Street as compared with Broadway south of Union Square ? A. I couldn't say, exactly ; but you will find quite a large number of them down here during the day. 1328

Q. You are willing to concede that those truckmen manage to live and exist and conduct their business in streets where railroad tracks are laid notwithstanding the existence of such railroad tracks and the operations of such railroads, are you not ? A. Well, they have to get along with it, but it is a great inconvenience to us, almost utterly impossible. Q. Is it an inconvenience to a man to be compelled to go afoot on Broadway when, if there was a horse-car there, he could ride ? A. Well, there are the stages for him to ride in. Q. Suppose the stages are full ; suppose that 210 stages do not accommodate the public ; would you then say that a street-car would be an advantage or would not ? A. There is a railroad on each side of Broadway, one over in Elm Street and the Broadway Railroad in Church Street, and still further west of Broadway there are other railroads, and there is a railroad in Centre Street. Q. Do you know of any particularly worthy class of individuals inhabiting the city who would be likely to be inconvenienced from the construction and operation of a railroad on Broadway, between the Battery and Union Square, except the truckman and hackman ? A. Well, I don't see how the merchants would do their business. Q. Do you know of any really worthy class of individuals, for whom you entertain any affection and respect, that would be likely to be prejudiced in any manner by the construction and operation of a railroad on Broadway except the hackmen and truckmen ? A. I should say that any merchant on Broadway, that did business there, would be, and every property- 1329

1330 owner. Q. That is your opinion? A. Yes, sir. Q. And other people would be benefited, wouldn't they? A. Well, I don't think it is good policy to put a railroad on Broadway. Q. The only people that you now can call to mind who would be likely to be prejudiced in any manner by the construction and operation of a horse railroad on Broadway would be the worthy truckman represented by yourself, and the hackmen and the merchants doing business on Broadway; is that so? those are the only people likely to be hurt by it, you think? A. Well, the majority of the merchants doing business there own their own property—the people I do business for own their own property—and I should think it would ruin it considerably.

1331

*By Mr. Beaman:*

Q. State whether or not, in your opinion, travel by horse-cars in Broadway in the busy season of the year would be any more rapid than travel by omnibuses? A. I don't think it would be as rapid. Q. Do the omnibuses on Broadway interfere any more with the trucking business on Broadway than the same number of heavy or loaded trucks? A. No, sir; they don't interfere whatever. Q. Don't interfere any more than the same number of other carriages? A. No, sir. Q. There is no particular peculiarity about an omnibus that makes it any worse than any other loaded wagon of the same size and same length of pole? A. No, sir. Q. You have spoken about West Broadway; is it not true that these posts that you have been inquired about are on the sidewalk? A. Yes, sir; right over the edge of the curb, excepting at the station at Franklin Street I think there is one there right in the centre—one or two if I mistake not. Q. Is it not true that the great part of West Broadway, with the exception of where these few grocery stores are, is given up to business of a very small nature? A. Mostly beer saloons and bakeries, I should judge, down that way. Q. You have been asked about the number of trucks standing in front of Tefft, Weller & Company's, so far as blocking a car was concerned: one truck standing there and making a block would stop it just as well as seven? A. Yes, sir. Q. So that the number is not important if either one of them sticks out far enough to block it? A. No, sir. Q. These measurements that you have given in

regard to the length of trucks are not exact that you 1333  
 know of? A. No, sir; I have not made any exact  
 measurements. Q. Have you made any measure-  
 ments about it? A. No, sir. Q. And if you are  
 right about the length of the floor of a truck,  
 beyond the hind wheel, if I understand you, it  
 would stick out 4 feet—if you back it up so that the  
 wheels come right up to the curb then it would be  
 sticking 4 feet over the sidewalk? A. Yes, sir.

Q. It would take up that much of the sidewalk?  
 A. Yes, sir. Q. Do you block up the sidewalk that  
 way? A. No, sir; we don't block the sidewalk up  
 if we can help it. Q. Ordinarily, as you are riding  
 now, you don't project the floor of the truck over  
 the sidewalk? A. We have to back it up so that  
 the wheels will come solid against the curb so that 1334  
 we can load our truck. Q. So that you do back up,  
 when you are loading, so that your wheels are up  
 against the curb, as a rule? A. Yes, sir. Q. As-  
 suming that there was a track, when you are loading,  
 or when you are getting in position, or when you  
 are getting out of position, your horses are in a sit-  
 uation that they would be far across the track, of  
 course, would they not? A. I beg your pardon; I  
 don't understand you. Q. Suppose you are driving  
 up with your truck, and wanted to back into posi-  
 tion, while you were backing into position you are  
 occupying more than twelve feet? A. Oh, yes. Q.  
 And when you have loaded and go back into your  
 position again, then you are sticking out still—  
 A. There is nothing but the axle and the hub of the 1335  
 wheel— Q. I don't mean when you are turned  
 around, but when you have loaded and are turning  
 your horses around to get started, to get under way  
 I mean, how far does your pole stick out? A. I  
 couldn't give you the exact length of the pole, but I  
 should judge about twelve feet. Q. Twelve feet  
 beyond the body? A. Yes, sir; twelve to thirteen  
 feet. Q. And that, as I understand it, would block  
 both tracks? A. Yes, sir. Q. And then when you  
 have got to get started you must get across the  
 street—you cannot get started without crossing?  
 A. If we are going down hill we can, we can right  
 inside of the track. Q. How long have Tefft, Wel-  
 ler & Co. been where they are now? A. Six years.  
 Q. Do you know about how many men they employ  
 in that building? A. I couldn't say; I should judge  
 in the neighborhood of 800 or 1,000.

- 1336 *Commissioner Harris* : Are you a truck owner?  
*The Witness* : I represent my father, who is the owner, but I transact his business.

*By Mr. Scribner* :

- Q. Mr. Quimby, you say that independent of the wholesale stores on West Broadway the other business there is small—don't you know that West Broadway is occupied with an immensely better class of business at the present time—better buildings, newer buildings, more expensive buildings—than it was twenty years ago? A. I don't remember it twenty years ago. Q. You are a Brooklynite yourself, are you not? A. Yes, sir. Q. Don't you know that the buildings existing in West Broadway, the grocery stores, are comparatively new and have been built long since the construction and operation of the street railroads in West Broadway? A. There are two large grocery houses on West Broadway that I know of—Thurber's and Leggett's. Q. What do you call the one at Franklin Street and West Broadway? A. That is Francis Leggett & Company's there? Q. At Franklin Street and West Broadway? A. Yes, sir; then Moore, Jenkins used to be there, and I think there is a segar house there now. Q. Hasn't even that building been built since the construction of the railroads in that street? A. That I could not say; I should judge it had. Q. These wholesale stores of Leggett & Company and Thurber's have been built within the last ten years, have they not? A. Leggett's has; I don't know how long Thurber's has been there. Q. All the good buildings on West Broadway are comparatively new, are they not? A. Yes, sir. Q. How long have you known the railroads in West Broadway—the street railroads? A. 15 years. Q. Is that all? A. Yes, sir. Q. Don't you know that they have been there 30 years, some of them? A. That is before my time. Q. How old are you? A. 28. Q. That is about two years ahead of your time, then? A. Yes, sir.
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SAMUEL McCREARY, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

*By Mr. Beaman* :

Q. How old are you, Mr. McCreary? A. 55. Q. Where do you live? A. Flushing, L. I., at present.

Q. What is your business? A. Truckman. Q. 1339  
 How long have you been a truckman? A. 30 years.  
 Q. In the City of New York? A. Yes, sir.  
 Q. Did you begin business as a driver, yourself? A.  
 Yes, sir. Q. How many years did you drive? A.  
 I drove for about eight years myself, or nine. Q.  
 Are you now an owner of trucks? A. Yes, sir.  
 Q. How many do you own? A. I own eleven  
 trucks and five wagons. Q. You own eleven trucks?  
 A. Yes, sir; and five wagons. Q. Eleven trucks  
 and five wagons? A. Yes, sir. Q. What do you  
 mean? what is the difference between a wagon and  
 a truck? A. Wagons are for city deliveries—light  
 wagons. Q. For small parcels? A. One-horse  
 wagons, yes, sir. Q. And a truck is— A. Two-  
 horse or single horse. Q. Wagons have sides to 1340  
 them, is that the difference? A. Yes, sir. Q.  
 That makes the difference? A. Yes, sir. Q. What  
 is the general character of your business? A. Sir?  
 Q. What is the general character of your business?  
 for whom do you truck or deliver? A. I worked  
 for E. S. Jaffray & Co., Simpson & Co., Parker &  
 Wilder, Myer & Johnson, Field & Co., and a couple  
 of small houses. Q. What are these houses; whole-  
 sale or jobbing houses? A. Some of them are job-  
 bing and some of them are commission. Q. Have  
 you, during this time that you have been a truck-  
 man, been mostly employed by dry goods houses?  
 A. Yes, sir, always. Q. When you first began  
 business where did you have your office, or where  
 were you working? A. Barclay Street. Q. Where 1341  
 was the dry goods business then? A. It commenced  
 to move up-town, to Barclay Street. Q. That is  
 when you first began? A. Yes, sir. Q. And you  
 have been following it along? A. Yes, sir. Q.  
 And always been in that business? A. Always;  
 never been out of it. Q. Is your business mostly  
 carting in or taking out goods? A. Both in and  
 out. Q. So far as it is carting in goods, where do  
 you take them from? A. Steamers and railroads.  
 Q. By steamers do you mean foreign steamers? A.  
 Yes. Q. So that you bring in a good many foreign  
 goods? A. A great many. Q. And so far as you  
 deliver, where do you deliver? A. Deliver them all  
 over the City of New York—all the steamers, and  
 railroads, and boats, &c. Q. Do you deliver to a  
 good many jobbing houses, or retail houses? A.  
 Yes, sir. Q. To what extent, in the course of your

- 1342 business, do you use Broadway for the purposes of transportation? A. We have got to use Broadway all the time; coming from the North River, the Savannah steamers, we have to come into Canal Street and into Broadway to the stores; shipping goods down town, they have got to go as far down as Liberty Street, or Pier 1; and if we have got to go to Mallory's Line we have got to go down Maiden Lane; we have got to use Broadway all the time. Q. Why have you got to use it? A. Well, in transporting our goods to the different lines we have got to use it both up and down. Q. Do you use it to a considerable extent in your business? A. Yes, sir. Q. Is the business of trucking on Broadway increasing or diminishing? A. It is increasing. Q. 1343 And has been? A. Yes, sir; since I have been in the business thirty years ago. Q. What has caused this increase? A. The amount of business that is coming from the country, I suppose; of course, as that increases the more business is done, and the more trucks we want to do it. Q. The business of trucking, then, as it is carried on, is practically the receiving and delivery of all the goods that are bought and sold in New York? A. Yes, sir. Q. This principal house that you truck for is E. S. Jaffray & Co.? A. Yes, sir. Q. Where is there place of business? A. Corner of Leonard Street and Broadway. Q. What side? A. East side. Q. How much of a building do they occupy there? A. They occupy 75 feet front by 300 feet deep, I 1344 presume; they own the building. Q. How do they receive their goods; on what street? A. We receive all on Leonard and Benson Street. Q. You don't interfere with Broadway at all? A. No; Benson Street is a small street that runs about 150 feet on the rear. Q. So that in either delivering goods or taking them from the store they have conveniences on these other streets? A. Yes, sir; they receive on Leonard Street, and they deliver from Benson Street, and they— Q. On this other street they deliver? A. Yes, sir. Q. Is there any horse-car track on that street? A. No, sir. Q. No horse-car track on either street? A. No, sir. Q. When you are delivering goods to that house or taking them away from that house, do you use Broadway? A. Yes, sir; we have got to use Broadway when we go to the East or North River; of course the most shipping is done on the North River side from Pier 1 to

50. Q. So that in going to and from that store you use Broadway? A. To or from that store, excepting we go over to the East River, and very few go over there except for New Haven and Hartford and Mallorys' Line for Galveston, and one line to Bridgeport—the Bridgeport boat and the New Haven boat. Q. Do most of the goods that are sold by E. S. Jaffray & Co. go in and out of that store? A. They all go in and out of that store. Q. They make no shipments from storehouses? A. No, sir; we ship all from our own sidewalks. Q. What number of persons are employed in that store? A. Well, I am not positive; there might be 800 or 1,000. Q. They occupy the whole building? A. Three buildings—storehouse, shipping-room and front buildings. Q. What other large house do you deliver or receive for? A. William Simpson Sons & Co. Q. Where are they? A. 327 Broadway. Q. On which side of the street? A. West side, below Worth Street; this side of Worth. Q. Anywhere near Tefft, Weller & Co.? A. Right opposite. Q. Where do they receive and deliver goods? All on Broadway. Q. Is there any other place for them to receive or deliver goods? A. No other place. Q. And what property do they occupy there—how much? A. They occupy the first floor, cellar and basement—three floors. Q. Are there other occupants of the same building? Yes, sir; there is a party upstairs. Q. And how do they get their goods? A. Same way, on Broadway. Q. How are they got up? A. Hoisted up by elevators. Q. To what extent do you cart and receive goods for this house of Simpson's? A. Well, we run as high as 250 to 300 cases out—200 in or out, and sometimes perhaps 400. Q. Is their business dry goods? A. Yes, sir. Q. Are their goods imported or domestic? A. Domestic prints principally. Q. You have heard Mr. Quimby testify about the use they make and Tefft, Weller & Co. make in delivering goods on Broadway? A. Yes, sir. Q. Do you recognize that as the situation that exists there every day? A. Yes, sir. Q. When you load or unload goods for this house of Simpson, you are right opposite the house of Tefft, Weller & Co.? A. Yes, sir. Q. Have you made any definite measurements of your trucks to see how long they are? A. Oh, yes, sir; I know the length of all my trucks. Q. If a truck of yours, the largest truck that you use in your

- 1348 business, was backed up solid against the curb, how far would it project on the sidewalk? A. Well, my trucks, I don't think they go back on the sidewalk as far as Mr. Quimby expects; I don't think Mr. Quimby knows exactly; my opinion is they go back about two feet. Q. And suppose a truck so backed up, right straight up against the curb, and your horses being turned up or down the street, how far would it be from the curbstone to the point of the truck that projected furthest into the street? A. I should think it would be 13 feet clear. Q. That is your ordinary truck? A. Yes, sir; from the hub of the wheel, the point which projects out furthest, to the curbstone would be about 13 feet; that would be allowing 15 feet from the tail of the truck up to the
- 1349 hub. Q. How many of your trucks have seats on them? A. None of them; we don't have seats on dry goods trucks. Q. What kind of trucks do have seats? A. Sugar trucks have seats on them.
- Q. And not many of the trucks that run on Broadway have seats on them? A. No, sir; very few. Q. What other houses do you truck for? A. Myer-Johnson. Q. Where are they? A. They are in 354 Broadway, right below Jaffrays; they don't occupy Broadway; they have only a frontage on Broadway, and they ship from Franklin Street. Q. And what other houses? A. None on Broadway. Q. None other on Broadway? A. No, sir.
- Q. So far as you know the business on Broadway of shipping and receiving goods above Fulton
- 1350 Street, and from there to Fourteenth Street, what proportion of it is loaded and unloaded on Broadway? A. Well, I think from Worth Street it is the worst part of Broadway for travelling; I am positive of it; it sometimes takes a truck of mine to go to Pier 1 perhaps an hour to an hour and a half, and that is not more than a mile and a half, I presume; and when we have goods for Pier 1 we have got to go to Broadway of course; when we have goods for the New Jersey Central or the Philadelphia & Reading we go down Broadway as far as Liberty Street, and come back again that way. Q. And it is not an unusual thing, as I understand you, going from Jaffrays to Pier 1 to take an hour? A. I have seen myself taking two hours. Q. What is the usual time? A. The usual time is we ought to do it in fifteen minutes. Q. That is you ought to do it in fifteen minutes if there were no obstructions?



*Mr. Scribner :* He didn't testify to that ; he said 1351  
that was the usual time.

*The Witness :* Yes, if there are no obstructions ;  
I can take a team of horses at Jaffray's store and go  
down to Pier 1 in fifteen minutes if there are no ob-  
structions ; but I could not do it now perhaps in an  
hour or perhaps two hours when the streets are  
crowded.

Q. The difference between Mr. Scribner and me is,  
he understood you to say that as Broadway usually  
is in the day time you can take a truck and go down  
to Pier 1 in fifteen minutes ? A. Certainly, when it  
is not crowded. Q. Taking it as it is from day to  
day, how much time does it usually take ? A. A  
man cannot go from Jaffray's store any time of day  
from ten to eleven and from one to four short of 1352  
three-quarters of an hour or perhaps an hour, and  
perhaps an hour and a quarter.

Q. That is, in  
those hours of the day ? A. Yes, sir, when every-  
body is busy : all the merchants around Pearl Street  
and Broad Street all go down there and ship goods  
—all these flour-men and others—and they run their  
trucks in Broadway, and they come up Broadway to  
deliver their flour, and even coming down in the  
morning Broadway is crowded. Q. At what hours  
of the day is Broadway most crowded ? A. We  
will say from half-past two to four to five o'clock.  
Q. At what seasons of the year is Broadway most  
crowded ? A. Spring and Fall of course, in the busy  
seasons. Q. State whether or not in your opinion  
the omnibuses on Broadway interfere any more 1353  
with travel than the same number of loaded trucks ?

A. I don't think they do ; I don't suppose they do.

Q. You misunderstood a question that I asked just  
now, and I will therefore repeat it ; it was this :  
state what, in your opinion, part of the goods re-  
ceived and delivered from the stores having a front  
on Broadway are delivered and received on Broad-  
way itself ? A. Well, there are a great number of  
goods received and delivered on Broadway ; all the  
houses—that is, between streets—of course they  
have no other place to deliver or receive their goods  
only on Broadway ; the corner houses will have a  
side elevator—each corner—but the centre of the  
block of course they have all got to receive and de-  
liver on Broadway ; there is no other place for them  
—that is, I mean in the dry goods district from  
Canal Street down ; I don't know of any streets with

1354 the exception of those two streets there, that run in the rear of Broadway—those two short streets.

Q. Just a block? A. Yes, sir; two streets; they have a small alley, where one wagon can go; there is only room for one truck; when you get into that alley-way you have got to take off your load and the other man has got to wait. Q. Mr. Quimby spoke about Howe's Scales' place? A. Yes, sir; they are next door to Simpson's. Q. How do they deliver and receive? A. Right on Broadway. Q. How about Fairbanks' Scales' place? A. The same. Q. Is there any other way for them to deliver or receive? A. Not that I know of. Q. Do you have anything to do with bringing safes up Broadway? A. No, sir; I don't do that business. Q. In your

1355 opinion, Mr. McCreary, what effect would the building of a horse railroad—the putting down of a horse railroad track on Broadway, double track, of the usual kind, as we know it in this city, and with cars running on it—have upon the traffic on Broadway as it now exists? A. It would certainly have less or more effect; there is no street that is crowded like Broadway and Church Street; sure, it would be impossible to go through it when the cars are there; the merchants there could not do their business, and a truck backed up would take from five to ten minutes to get its load on or off, and the cars would be blocked; and then another lot of trucks would come along the same way, and a car would be blocked all the time; and a truck would have to

1356 back up to load or unload even if he is fined ten dollars every time he does it; merchants have got to have their goods shipped, and cannot stop for a car company or for a stage company. Q. What obstacles would there be in the running of cars that don't exist, if any, in the running of stages? A. I don't see any difference that there would be except when cars are blocked they have no chance to get around that a stage has; that is all that I can see about it. Q. What effect would the laying of the tracks in Broadway have upon the use of Broadway for carrying purpose, transportation purposes, even if there were no cars running on it? A. Excuse me. I didn't understand you. Q. What effect would the laying down of tracks have upon your business, assuming that there were no cars running on them at all—simply tracks there? A. In the first place, there is no gentleman that knows anything about

driving a horse that goes into a car-track with a light wagon, because he has trouble getting out of it; it is the same way with our trucks when they are loaded; I have often had to pay three or four dollars for an axle being broken, &c., getting out of a railroad track; and it is impossible for you to get through a crowd without getting into the track; but I never allow my own men to get into the track if they can possibly keep out of it, and when they get into a track they have got to go along until they come to a good place to get out, and then get across the track; if they do not, and are not careful, with a heavy load, there is something bound to go; there is where the trouble with the tracks comes in; of course we cannot get along without having railroads and omnibuses; but the truckmen suffer very often; I know my bills are pretty heavy sometimes for repairs to trucks. Q. Caused by railroad tracks? A. Yes, sir; caused by railroad tracks. Q. To what extent? A. Well, I am not positive about that; I can't say. Q. But it is increased, as I understand you, in your judgment, by the railroad tracks? A. Yes, sir; I have very often axles broken and springs broken. Q. To what extent or where does the wholesale dry goods business extend; what is the location of it, as you understand? A. It is located in Worth Street, Leonard Street, Franklin Street, Reade Street, White Street, Church Street, &c.—around there; there is where the heavy dry goods trade is principally located. Q. Is the great amount of carrying to and fro from that district by way of Broadway? A. Yes, sir; the lower part of Leonard Street, for instance, does not all go by way of Broadway; a man doing business in the lower part of Leonard Street don't have to go to Broadway to deliver his goods along the North River, because he can go down West Broadway to whatever line the goods are shipped by. Q. Is the dry goods business, as you view it, still growing and going up-town from time to time? A. Well, some years ago they thought it would be up to Fourteenth Street, but I think it has taken a turn down again; I think from Canal Street to Duane Street will be the dry goods district in New York for the next thirty years anyway; I don't think it will move up much further; we have all the solid men down there, and I think we will keep them there too. Q. What do you mean by "solid men"? A. Claflin, Jaffray,

1360 &c.; I think the business of the dry goods trade will stop there for some years. Q. You think it is located there with all the facilities for doing this great business? A. Yes, sir; for doing their business—a central location.

*By Mr. Scribner :*

Q. How long have you lived at Flushing? A. I moved out there on the 15th of May last. Q. Prior to that, where did you live? A. 59 South Washington Square. Q. You say you have been a truckman for thirty years? A. Yes, sir; about that. Q. And up to last May, did you live in New York for thirty years? A. I have never been out of New York, with the exception of two years, previous to 1361 going to Flushing. Q. Then you have seen most of the street railroads that are now in operation in New York, built? A. I have seen the first railroad, with the exception of the Fourth Avenue, built in New York. Q. I believe you said that street railroads are a public necessity? A. They are, sir. Q. Are you willing to concede that a street railroad is more of a public accommodation than an omnibus line? A. Well, no; I cannot say that it is, in a crowded street. Q. Anywheres? A. Up-town, I presume they would be better. Q. Are you willing to concede that street-cars are usually more rapid in locomotion than stages; that is, if you were going from the Battery to the Union Square, you would 1362 probably get along quicker in a horse-car than in a stage, wouldn't you? A. No, sir; I don't think so: they have as good horses in the stages as they have in horse-cars. Q. Assuming that a street-car is not blocked anywhere; let two vehicles, an omnibus and a street-car, start from the Battery to go to Union Square, and assume that neither of those vehicles are blocked, isn't it, in your opinion, the fact that the street-car would reach there first? A. If I was driving a pair of stage horses and you drove a pair of car-horses, and we had a race, it would then depend upon the good management of either of us. Q. You probably would beat me, because you are a better driver? A. I might be a better driver, but you might have a better team, and might beat me. Q. Now, Jaffray & Co., you say, deliver no goods on Broadway? A. No, sir. Q. Don't you know that Mr. Jaffray has signed a consent for the construction of a railroad on Broadway? A. I don't

know, sir. Q. Do you know whether he has or not? 1363

A. I don't know, sir. Q. There is not one of the persons for whom you work who receives goods on Broadway, except Simpsons? A. No, sir; none.

Q. Simpsons, in delivering goods at their store, you are accustomed to back your truck against the curb?

A. We have got to do it to unload our load. Q. You stated you knew accurately what the length of your truck is; now, won't you please tell me what it is? A. Fourteen feet on the floor—the length.

Q. That is the length of the truck? A. Yes, sir; 14 feet. Q. What is the projection of the tail of the truck beyond the outer rim of the hind wheels? A.

Well, according to the build of the trucks; some trucks will go further than others. Q. In the 14-foot truck, the projection is the same? A. Pretty 1364

near; some builders build their wheels closer together, like in ice wagons. Q. Are they not all geared alike? A. No, sir; I am not speaking about my own trucks; they are all made by the same builder. Q. And you say they are 14 feet?

A. The bed of the truck is 14 feet. Q. Can't you tell me what the projection is in your trucks, of the tail of the truck outside of the rim of the hind wheel? A. About 2 feet. Q. Are there not trucks in use in your business that are shorter than 14 feet?

A. Yes; single trucks, about 10 feet 6, or 11 feet. Q. Single trucks, the ordinary kind, are 10 feet 6?

A. Yes; but the ordinary double truck is about 14 feet. Q. But the ordinary single truck is about 10 foot 6? A. Yes, sir. Q. You think that you are 1365

required to back up your truck against the curb to load or unload goods, and that you require for a truck, standing in that position, about 13 feet of the carriage way, do you? A. I do, sir. Q. Then if a road should be constructed so that the space between the curbstone and the side of a passing car was 13 feet, it would clear a truck backed up in the position you have described? A. If the car was 13 feet from the curbstone, and the space was 13 feet, I do not see how it could pass; it would have to have some room to pass. Q. Suppose there was 13 feet and an inch between the curbstone and the side of the car? A. Yes, sir; it would pass if there was half an inch; we have had them pass in even an eighth of an inch space.

Q. Mr. McCreary, it wouldn't be an impossibility to load and unload goods with a truck standing

- 1366 parallel with the curb? A. You couldn't load very well — Q. I say it wouldn't be an impossibility, would it? A. I have never seen it done; it wouldn't be an impossibility if you had help enough to do it; if I had a case of 500 pounds, one man can't handle a 500-pound case and put it on the end of a truck if — Q. No, no; don't answer questions I don't ask you? A. All right, sir. Q. As to whether you can load or unload goods with a truck standing parallel with the curb or not, is simply a question of the number of men to be employed in the loading or unloading of the truck? A. Yes, sir. Q. Then, standing parallel with the curb, what would be the projection of your truck into the carriage-way; that is, what is its width? A. I think it is
- 1367 about 10 feet. Q. Do you mean to say that your truck is 10 feet wide? A. No, I can't say positively. Q. Is it as much as seven? A. Yes, sir, I think so. Q. Do you know what the gauge of a street railroad is? A. I really don't know exactly. Q. It is 4 feet and 8 inches. A. 4 feet and 8 inches, I believe. Q. How much wider is the track of your trucks? A. I really don't know, sir. Q. How much wider than a railroad track is a truck? A. It is certainly a great deal wider, but positively I cannot say. Q. When one of your wheels is running in a street-car track, how far outside of the opposite track does your other wheel run? A. I presume it is 2½ or 3 feet. Q. That would make it only 7 feet? A. 7 feet, yes, sir; I never have
- 1368 measured the width. Q. Certainly your double truck is not as wide as a single truck is long? A. No, sir; I think not. Q. And a single truck is 10 feet? A. Yes. Q. The double trucks are about 7 feet wide, are they not? A. I think it is over 7 feet. Q. I will compromise with you; suppose it is 7 feet 6, you know? A. Yes, sir. Q. And that, I guess, will cover it? A. Yes, sir. Q. Then all the space which would be required to load, provided you have men enough, would be 7 feet and 6 inches? A. Yes, sir. Q. Standing your truck parallel with the curb? A. Yes, sir. Q. So that you certainly would be able to get your goods out in that way if you only had men enough? A. Yes, sir. Q. You have stated in Church Street merchants cannot do their business; Church Street is a very narrow street, is it not? A. Yes, sir. Q. It is so narrow that there is only one railroad track in that street!

A. Yes, sir. Q. A single track? A. Yes, sir. Q. 1369  
 You were in New York when that railroad was  
 built, weren't you? A. I was in New York before  
 the old houses were pulled down in Church Street.  
 Q. I am coming to that; I have been here some  
 time myself, you know; you were in New York and  
 knew Church Street before that railroad was built?  
 A. Yes, sir. Q. And you know that Church Street  
 at the time when that railroad was built was lined  
 with small, old, dilapidated tenement houses, don't  
 you? A. I do, sir. Q. You know that, notwith-  
 standing the existence of that railroad, those ele-  
 gant stores that now exist on Church Street have  
 been built, and ever since have been used? A. Yes,  
 sir. Q. And you know, as a matter of fact, that a  
 large dry-goods business is done in that street? A. 1370  
 I do, sir. Q. Notwithstanding the fact that the  
 street is so narrow that a truck cannot stand backed  
 up there without blocking the progress of the cars?  
 A. Yes, sir. Q. You are familiar with West  
 Broadway, are you not? A. Yes, sir. Q. And you  
 have known that for the last thirty years? A. Yes,  
 sir. Q. You knew it before railroad tracks were  
 laid on it? A. Yes, sir. Q. And you knew it at  
 the time when the improvements of the street—the  
 buildings were much less than they are now? A.  
 Yes, sir. Q. Much less valuable? A. Yes, sir.  
 Q. You knew it at the time when the business on  
 the street was much less than it is now? A. Well,  
 it was not considered a business street at all until  
 the last years. Q. Those railroad tracks were laid 1371  
 in West Broadway about what year; they have  
 been there for thirty years, haven't they? A. No,  
 sir; I don't think they have been there for thirty  
 years.

Q. Wasn't the Sixth and Eighth Avenue Railroad  
 built in 1852, 1853, or 1854? A. 1854 or 1855, I  
 think; I really don't know. Q. I guess you are  
 about right; well, it is about thirty years. A. Yes,  
 sir; about thirty years. Q. Now, in that street the  
 cars of the Broadway line are run; the present  
 Broadway line? A. Yes, sir, and the Sixth Avenue  
 and Seventh Avenue and Eighth Avenue. Q. Yes,  
 and there was a time the Ninth Avenue cars also  
 ran in West Broadway; A. Yes, sir. Q. It is also  
 true that West Broadway is also occupied by the  
 structure of the elevated road? A. Yes, sir. Q.  
 And notwithstanding all these structures, notwith-

- 1372 standing the existence and operation of the elevated railroads and the surface railroads, the fine business houses that now exist on West Broadway have been erected since the construction and operation of these railroads ; isn't that so in West Broadway ? A. I don't know of any fine buildings on it, with the exception of four or five. Q. Those four or five. A. Yes, sir. Q. Those four or five buildings there now are wholesale houses, are they not ? A. Yes, sir. Q. And the volume of the wholesale grocery business of the City of New York is done on West Broadway in the presence of all these cars and railroads ; is it not ? A. Yes, sir. Q. Do you know how many stages are running on Broadway to-day ? A. I never knew anything about it ; I heard you saying 210. Q. I will ask you a question or two ; you don't think that a single street-car is any more obstruction than a single omnibus, do you ? A. Not where there is room for it. Q. In any street, I mean ? A. Not a particle ; not where there is room for it. Q. Then you think that 210 horse-cars could be run on Broadway without blocking it any more than 210 stages, don't you ? A. I don't think any such thing. Q. What do you think about it ? A. I think 210 horse-cars would block Broadway more than 210 stages block it. Q. You just said that a single horse-car wouldn't block a street more than a single stage ? A. Neither it will up town where there is room, but down town it will. Q. Taking into consideration the fact that stages have poles,
- 1374 and that horse-cars are run without poles, isn't it true that a car would be less of an obstruction ? A. I don't see why. Q. As a matter of fact, in getting trucks and wagons through a street, you will get through much easier in a crowd where the street-cars are with horses that have no poles, and that can turn aside, than you will in the case of stages that have poles, and cannot turn that way ? A. A man can drive a stage with a pole, and there is no more difficulty about his turning his horses, with the exception that the poles project further out than the horses. Q. You certainly can get horses around easier without a pole than with a pole ; can't you ? A. I don't think so. Q. Then won't you tell me why street-car horses are driven without poles ; is it not for the express purpose of turning out and avoiding vehicles ? A. I don't think so. Q. Have you any practical experience in the operation of



street-cars at all? A. I never drove one. Q. You have spoken about breaking the axles of your trucks? A. Yes, sir. Q. Have you had many an axle broken on Broadway? A. No, sir; not that I know of. Q. Have you had some? A. None, sir. Q. Did you ever break an axle that you did not lay it to a street-car track? A. I have broken them coming off the ferries. Q. You broke them in ruts in streets? A. Yes, sir. Q. Bad pavements? A. Yes, sir. Q. And you break them where there are no railroad tracks as well as where there are? A. Yes, sir.

NEW YORK, January 27, 1885.

Mr. CHARLES P. YOUNG, stenographer, having appeared for the first time to represent the official stenographer, was duly sworn to faithfully report and accurately transcribe whatever proceedings he might report before this Commission.

SAMUEL MCCREARY recalled.

*Redirect examination continued by Mr. Beaman :*

Q. You were, on cross-examination, asked something about the object and use of a pole for omnibuses, and why they had none on horse-cars; what is the object of a pole on an omnibus? A. I suppose it is to stop the vehicle when it is necessary to stop; they could not run a stage very well without a pole. Q. It acts first as a pull for the pull-back to pull on; also what purpose does it serve in turning the stage around; you could not turn the stage around without a pole, could you? A. No, sir; not very well. Q. Why do you understand there are no poles used on horse-cars? A. I do not believe it is necessary to have them; they have a break on; that stops them and the horses start them. Q. So far as turning around is concerned, is it necessary to turn them around? A. When they get crowded once in a while the horses will have to turn out, in case of accident, to save their horses. Q. There is no object in turning around to one side or the other of the street? A. No, sir; no object that I know of, because they go ahead all the time. Q. The pole is not used on the car, because it is not needful? A. It is not needful. Q. But it is needful for a

- 1378 stage? A. They cannot run a stage without a pole that I know of. Q. You were asked in regard to Church Street, and whether it had not been blockaded, and if Church Street had not been very much built up since horse-cars were put there; state whether or not in your opinion Church Street would have been equally as much built up if there had been no horse-cars there? A. Church Street is a very bad street to have property on; it is in the market for dry goods, and of course men must hire it to keep in the market; Church Street is not desirable for any kind of business, it is so narrow. Q. Do the horse-car tracks there make it any better for the business that is carried on there? A. I think it is an injury to the business. Q. You think property there would be worth more if there were no horse-cars there? A. I do. Q. And the rentals would be higher? A. I presume it would. Q. Why do you think so? A. In Church Street there would be no chance for a large merchant to do business there; he could not do it, especially on the east side, where the track is; there is no chance to do business there. Q. Why not? A. In consequence of the track and the cars passing all the time; the cars would be blocked all the time if there were very many large houses on the east side. Q. There is only a single track in Church Street, is there not? A. Yes, sir. Q. And that is towards the east side? A. Yes, sir; the east side. Q. Within two or three feet of the east side? A. Two feet of the curb. Q. Do you know how far from the west side it is? A. I do not know exactly, but there is plenty of room for a large truck to pass up and down. Q. Is there room for one to back up without stopping the cars? A. Yes, on the west side. Q. But none on the other side? A. None on the other side. Q. What is the fact about the travel in Church Street and the frequency of blocks in Church Street and stopping the cars? A. Very frequently there are blocks there; every day there must be a block; when a man is putting on a load or taking off a load the cars have to stop; the cars have to wait when they back up, and it cannot be otherwise. Q. You were asked in regard to West Broadway and the travel there? A. Yes, sir.

Q. State whether or not, in your opinion, the property on West Broadway would not be equally valuable if there were no horse-car tracks there? A. I do not think that on West Broadway they in-

terfere very much, because it is a wide street and 1381  
they are in the centre of the street; when you come  
down to College Place it does interfere; there is  
very often a block at College Place and Chambers  
Street; very often. Q. And from that all the way  
down? A. All the way down to Barclay and Vesey.  
Q. You say there are frequent blocks there? A.  
Frequent. Q. You mean every day. A. Every day.  
Q. And those blocks stop the cars and traffic?  
A. Stop the cars and trucks and traffic; everything  
has got to stop. Q. They stop the people going to  
and fro, east and west? A. Yes, sir; they have a  
policeman there at the corner of Chambers and  
Reade streets, and he makes arrangements and gets  
the block away as quickly as he can. Q. In spite  
of that there are blocks? A. There has got to be, 1382  
and on West Broadway up to College Place. Q.  
West Broadway, from College Place to Chambers  
Street, is wide enough so that two trucks can pass  
abreast? A. From Chambers Street up to Canal  
Street is wide enough, but when you go into College  
Place it is a narrow street. Q. From Chambers  
Street up there are few large houses? A. Very few.  
Q. And there is a large space between the tracks  
and their curbs? A. They have plenty of room to  
back up and swing their trucks; nothing to prevent  
their doing business that I see. Q. Besides your  
regular trucks, do you drive various express-wag-  
ons? A. Five. Q. What are you doing with  
those? A. Delivering goods up town and down  
town and all around the city. Q. A general ex-1383  
press business? A. Yes, sir. Q. Local express?  
A. General express business; a licensed express.  
Q. Are those express-wagons used in Broadway to  
any considerable extent? A. Of course they have  
to go to Broadway if they are sent with goods to de-  
liver in Park Place and Reade Street, or in that sec-  
tion. Q. Is your business the delivering of pack-  
ages and receiving them? A. Yes, sir; we receive  
and deliver all over the city, with the exception of  
Harlem. Q. Where is your office? A. In the rear  
of Mr. Jaffrey's store, 350 Broadway. Q. Is your ex-  
press business mostly in connection with dry goods  
houses. A. Pretty much. Q. How does the ex-  
press business differ from the trucking business; in  
any way except in the general size of the packages?  
A. Light packages; of course all those go by ex-  
press. Q. That is all? A. That is all.

1384 *Recross-examination by Mr. Scribner :*

- Q. Do you know what the width of the carriage-way in Church Street is? A. I really don't know; I never measured. Q. Do you not know that it is about one-quarter the width of the carriageway on Broadway? A. I do not know; I don't think Church Street is near as wide as Broadway. Q. Do you mean to be understood that there is no chance for merchants to do business in Church Street? A. There is no chance on the east side of the street; not the same as on the west side, of course. Q. There are large mercantile houses on both sides of the street, are there not? A. There are; but there are larger houses. Q. How do you class Mr. Claffin's business; is that a large business that he does, or a small business? A. The largest dry goods house in New York. Q. And that house is located and extends from Church Street to West Broadway. A. From Church Street to West Broadway. Q. It has a railroad on both sides of it? A. Yes, sir. A. Do you happen to remember whether Claffin's store was built before or after the construction of the railroads which surround it? A. It was after, I think. Q. You have been giving your opinion in respect to the rental value and the value in fee of real estate on Church Street and West Broadway; do you know anything about, or have you had any experience in buying or selling real estate, either on West Broadway or Church Street? A. No, sir. Q. Or of Broadway property? A. No, sir. Q. Have you any experience in the renting of stores either on Church Street or West Broadway? A. No, sir; never rented any. Q. Do you know anything about what the rents are in Church Street of the large mercantile houses on that street, which is a narrow street and has a railroad in it, as compared with the rental value of stores in the same location on Broadway were there is no railroad? A. I have no idea at all about it.

Q. Notwithstanding the existence of this single railroad track in Church Street, which you regard as an inconvenience, you have no knowledge of your own as to whether stores on Church Street do not in fact rent for a higher price than similar stores do on Broadway? A. I am positive they do not rent higher. Q. How do you know it? You say you do not know anything about it? A. I don't know ex-

actly what the rents of stores are in Church Street, 1387  
 but I am very sure that the rents on Broadway are  
 higher than on Church Street. Q. You only guess  
 at that? A. I guess at that. Q. You have no prac-  
 tical experience about it? A. No, sir. Q. In re-  
 spect to this little express wagon that you run ;  
 when you deliver the packages from those wagons,  
 you do not find it necessary to back across the  
 street, or back at right angles to the curb, do you ?  
 A. No, sir. Q. Those wagons are loaded and un-  
 loaded standing parallel to the curb, are they not ?  
 A. Yes, sir, except when there is a case. Q. There-  
 fore a railroad in Broadway, with double car tracks  
 in the centre of the street, would not interfere with  
 the express wagon business? A. Not that I know,  
 of, with the exception of having a case in ; they  
 would have to back up and take it out. Q. Unless 1388  
 they had men enough to take it out otherwise, as  
 you described on Saturday. A. Yes, sir. Q. It is  
 only a question of men and strength? A. Men and  
 strength.

*By Mr. Beaman :*

Q. Where does Mr. Clafin receive and deliver his  
 goods? A. The railroads don't interfere with Mr.  
 Clafin at all. He delivers his goods on Worth  
 Street, and ships them from West Broadway ; the  
 cars don't interfere with his business. Q. And on  
 West Broadway there is abundant room? A. Abun-  
 dant room ; he has plenty of room.

*Mr. Scribner :* I object to your examining unless  
 you give me an opportunity to cross examine. Q. 1389  
 Is there any horse railroad on Worth Street? A.  
 No, sir ; Worth Street is a wide street.

*By Mr Scribner :*

Q. Mr. Clafin has a run-way or drive-way under-  
 neath his store, where he backs his wagons in, and  
 loads, instead of occupying the sidewalk for a pack-  
 ing-house, does he not? A. No, sir, he loads on  
 the street. Q. Are you sure of that? A. Yes, sir,  
 positive ; I see him. Q. Is there not a place under-  
 neath Clafin's store where wagons are backed in  
 and unloaded and loaded? A. Not underneath it ;  
 there is a large hallway where they used to back up,  
 which they rented to a large clothing store some  
 years ago ; they use it for storing goods there ; I

1390 don't know whether he can load any goods there; not to my knowledge they do not.

*By Mr. Fuller :*

Q. You say that Church Street is crowded? A. Yes, sir. Q. And blocked? A. Yes, sir. Q. What blocks it? A. The amount of business that is done there. Q. Then there is a large business done on Church Street? A. Certainly; there is a nice business done on Church Street. Q. On the east side of Church Street? A. On the east and west side both. Q. Then the cars do pass up and down on the east side of Church Street? A. No, they don't pass up and down. Q. They pass up? A. They pass up town on the east side. Q. Notwithstanding that, there is a large business done there? A. The cars, of course, have to take their turn; they have to stop when a truck loads and unloads. Q. That is accomplished without much difficulty, is it not? A. It is difficult all the time; there is a great deal of difficulty. Q. What makes the difficulty? A. The cars make it, of course. Q. The trucks do not? A. How could the trucks do it? The cars can't go around a truck when it is unloading. Q. Do the trucks ever block the street? A. Certainly they do. Q. Do you think it would be an object to the City of New York if all the railroads were taken out of the city? A. I think if they were kept up above Canal Street, it might be an object to merchants down town; that is my opinion. Q. How would you have people get down from Canal Street? A. Walk down. Q. Then you think below Canal Street should be reserved entirely for trucks? A. I have no objection, I can get along.

Q. And pedestrians? A. I have no objection: they can put as many cars as they please on them. Q. How wide is Ann Street? A. I can't tell you; I never measured it. Q. I think it is 20 feet wide; there is a railroad track on Ann Street from William up to Broadway? A. I believe there is; yes, sir. Q. On the south side of Ann Street? A. Yes, sir. Q. And still they do business in that street? A. They have got to do it; what can they do; they put a railroad through the street and then it is done. Q. Below Canal Street, which do you think does the most blocking, trucks or cars? A. I can't say which does the most blocking; of course, where the cars go they can't turn out the same as a truck can;

When a man backs up ahead of them they have got 1393  
to wait; then the other cars behind are blocked,  
and then the trucks are blocked. Q. How long an  
experience have you had as a truckman? A. Thirty  
years. Q. Do you generally find truckmen very  
accommodating to cars and carriages? A. I gener-  
ally find them both a tough crowd; they swear at  
each other. Q. Unnecessarily? A. I can't tell you  
about that; I have not driven any for a few years.  
Q. Have you not seen trucks head off cars? A. I  
have seen both head off each other. Q. Please an-  
swer my question? A. Yes, sir; I have seen trucks  
head off cars, and I have seen cars head off trucks,  
Q. So that there has been unnecessarily a great deal  
of blocking below Canal Street? A. Not unneces-  
sarily that I saw. Q. Both blocked each other? A.  
They blocked each other, certainly; they can't get 1394  
along without it. Q. What has been your experi-  
ence of Broadway; do you find Broadway prefer-  
able for carting to South Fifth Avenue? A. Yes,  
sir. Q. For what reason? A. We have no trouble  
in Broadway. Q. You have plenty of room? A.  
Plenty of room. Q. And no blocking? A. No, sir.  
Q. Which is the worst blocked street on Manhattan  
Island? A. The lower part of Broadway. Q.  
Broadway is? A. Yes; the lower part; from  
Vesey Street down is blocked in the afternoon,  
especially when business is going on. Q. How  
much of a load do you sometimes take on your  
trucks—the heaviest loads? A. I can't tell you; I  
take them as they come along, light and heavy. Q.  
Give me the heaviest load? A. I have often put on  
six tons, with four horses. Q. Do you consider a 1395  
street that is blocked a convenient place to drive  
such a load as that? A. I consider Broadway the  
best street we can get along on. Q. Do you consider  
Broadway the best place to drive a truck with six  
tons? A. If you go to Pier 1 with six tons, you  
have got to go down Broadway with it, have you  
not? Q. Do you consider the worst blocked street  
the best place to drive in with a load of six tons?  
A. I don't consider it; no, sir; why should I take  
—if you are sent with a load of goods to Pier 1,  
you have got to go down Broadway. Q. Can you  
not go down Church Street? A. How would you  
go down Church Street? you would be blockaded  
for a week in Church Street.

1396 JOHN CAMPBELL, being duly sworn, testified as follows:

*By Mr Beaman:*

Q. Where do you reside? A. 152 West Twenty-first Street, New York City. Q. What is your business? A. Carman. Q. How long have you been in this business? A. At least thirty years or over. Q. All the time in the City of New York? A. All the time; yes, sir.

*By Mr Scribner:*

Q. Since when? A. At least thirty years or over.

*By Mr. Beaman:*

1397 Q. Where is your present place of business? A. One of the houses I work for is located corner of Church and Leonard Streets—Faulkner, Page & Co. Q. Do you have any place like an office anywhere? A. Yes, sir; in this firm's storehouse; they have their storehouse in Leonard Street. Q. What is the business of this firm? A. Dry goods.

*By Mr. Scribner:*

Q. Corner of Leonard and what streets? A. Church; right on the corner.

*By Mr. Beaman:*

Q. Is your business principally trucking for dry-goods houses? A. Yes, sir.

1398 Q. What kind of houses are they, commission or jobbing houses? A. Commission houses. Q. Their business is selling goods to whom on commission? A. Dry-goods people, all through the United States—New York City and elsewhere. Q. Is a good deal of their business selling to jobbers? A. It is. Q. In the course of your business, what if any use do you have to make of Broadway as a thoroughfare? A. My teams make daily use of Broadway in delivering goods to different jobbing houses that are located on Broadway, and in that case there is a great deal of delays and stoppages. Q. How about delivering goods to the shipping points? A. That is also another blockade at different times; it is hard to locate them. Q. Do you use Broadway much for that purpose? A. Not for shipping I don't use it so much; occasion-



ally, but not so much ; I avoid it all I can because 1399  
it is most all on the west side of the city. Q. How  
about receiving goods ; do you receive many goods  
from bonded warehouses ? A. No, sir ; we have no  
foreign goods at all ; they are all domestic goods.  
Q. How many trucks do you own or drive ? A.  
Ten trucks. Q. Have you been a practical driver  
yourself in the city ? A. I have, some years ago ; I  
drove for many years ; but not for some time. Q.  
What is your general experience as a carman as to  
the crowds that are found in the various streets of  
New York running north and south, and south of  
Canal Street ? A. They vary at the different periods  
of the day and the different seasons of the year ; the  
crowd varies very much in that way ; Broadway, as  
I testified before, is always very crowded in the low-  
er end of Broadway in the afternoon, in the Spring 1400  
and Fall ; but still a man can make better time in  
the Winter season in bad weather in Broadway than  
anywhere else ; that is, in any of the side streets.  
Q. How about Church Street ? A. Church Street is  
a very crowded street ; a very hard street to truck  
in ; a very hard street for men like mine to truck in  
at all. Q. Is there a good deal of trucking in Church  
Street ? A. A good deal. Q. How about West  
Broadway ? A. West Broadway, I see, gets crowd-  
ed up considerably too, although it is supposed to  
be a wide street, very ; now and then there will be a  
block of cars extending—I can see them from the  
storehouse door as far as I can see ; I don't know  
where the block may be. Q. Is that a common sight  
in West Broadway, to see the cars blocked ? A.  
In the Spring of the year it is ; when it is bad going 1401  
and bad weather. Q. Whereabouts on West Broad-  
way do these blocks occur ? A. I have seen the cars  
the whole length of the street in West Broadway ;  
from the corner of Leonard Street and West Broad-  
way I could see up and down ; I don't know where  
the blocks occur ; down town. Q. West Broadway  
narrows into College Place, does it not ? A. Yes, it  
narrows there and at Chambers Street. Q. In re-  
gard to Broadway, state whether or not there is any  
street that is so well adapted for the purpose of  
trucking merchandise in the City of New York south  
of Fourteenth Street, and running north and south,  
as Broadway ? A. That is owing to how we were  
headed at that time ; we have got to go different  
ways ; we cannot tell an hour a day what a man has

- 1402 to do ; it is according to how I am located just at that time ; I may find Broadway much the best street, or I might find some other street best, but I will take Broadway as a preference, unless it is when it is very much crowded ; we know in certain seasons it is very much blockaded ; that is, the lower end of Broadway ; then we avoid it. Q. You mean below where in the lower end of Broadway ? A. Anywhere from the Herald Office down ; from around there ; Vesey Street. Q. You consider in your experience that Broadway is more crowded below Fulton Street than above ? A. Yes ; Fulton Street is always crowded ; all day long, in fact. Q. At Knox's corner, do you mean ? A. About Knox's corner, yes ; it is always crowded. Q. State whether you know any object that carmen have in directing  
1403 the horses of their trucks except to perform their business in the shortest time and with the most ease : is there any other object than to deliver their loads in the shortest time and with the most ease to their horses ? A. There is no other object but that ; they want the most easy that it is possible to find at all times for their horses, and of course the business is done quicker.

- Q. Is their business carried on at so much a load ? A. So much a load or package ; and you want to make all the time you can. Q. What in your opinion would be the effect of placing on Broadway, between Fourteenth Street and the Battery, a double track for horse-car purposes of the ordinary kind, of which the outer rails would be fifteen feet apart, which tracks should be used by horse-cars in the  
1404 ordinary way ? A. I don't know how to answer that question any other way than from the experience we have already had ; take West Broadway for instance, or take West Street for instance, and we have a good deal of difficulty even on those two streets where there are double tracks ; and the only way I can answer is the difficulty we have there ; we must expect the same difficulty on Broadway. Q. What is that difficulty ? A. West Street is a continual block ; so that the cars sometimes jam the trucks ; they pull them off the track so as to get along ; they can't move either backward or forward—either the truckmen or the cars ; it is a regular thing to get off the track somewhere down on Murray Street ; they can't move one way of the other ; teams stay there half a day, and can't get any fur-

ther ; can't get backward or forward ; it is the same 1405  
way in West Broadway occasionally in Winter ;  
not quite so bad perhaps as West Street ; but you  
take it around the holidays, and it is just as bad  
around West Broadway ; the market men and all  
these people come down town for their goods. Q.  
Then does the running of the horse-cars and horse-  
car tracks in a street in your judgment, affect the  
travel and cause more blocks than would the same  
number of trucks or other vehicles ? A. I think so,  
I do think so. Q. State which in your opinion  
would most blockade Broadway, and interfere with  
the other travel of the street—the same number of  
cars, or the same number of omnibuses ? A. That  
is something I really would not want to say, be-  
cause I am not a very good judge of that ; I could  
not tell without seeing the cars running there ; it is 1406  
a question how that might turn out ; there might  
be policemen there to keep the street clear for the  
cars, where the stages would not ; I think the city  
and taxpayers both have got to supply the police-  
men to keep the tracks clear. A. Do the same num-  
ber of omnibuses cause any more obstruction in the  
street in your opinion then the same number of  
trucks ? A. O, not these days ; they used to, some  
years ago. Q. What has happened to them to cause  
the change ? A. There ain't as many stages run-  
ning now. Q. You misunderstood me ; the ques-  
tion is, whether 100 or 200 omnibuses or stages  
would cause any more blocks than the same num-  
ber of trucks. A. No, sir, I think not ; trucks and  
stages both get out of the way the best they can. 1407  
Q. Is Broadway more frequented in Winter or Sum-  
mer ? A. About the same. Q. How about Church  
Street ; is that more blockaded in Winter or Sum-  
mer ? A. It looks to be more ; there is no more  
traffic on it, but it looks to be more because the  
railroad sweeps the snow off the track with a plow,  
and covers up the west side of the street, so that  
it is impossible to travel on it ; so that it makes it  
hard to get along ; and if they get on the railroad  
track, there is an officer or two officers on every one  
or two blocks to take care of the cars ; they care  
nothing for our interests or anybody else. Q. They  
look out for the cars and interfere with all the mer-  
chandise going up and down the street, do they ?  
A. They take care of the cars ; they don't care a  
snap of their finger for the merchants or the mer-

1408 chants' business, no matter whether it is delayed or not; the car must have the right of way, and let the business get done when it can and how it can; that is the way I find it since the cars came there.

*Cross-examined by Mr. Scribner:*

Q. I think I understood you that Broadway was not so much obstructed now as it used to be, because there are not so many stages as there used to be; is that so? A. I say there is not so many as there used to be; I think not so many. Q. Do you remember the days of the old Consolidated Stage Company? A. Something of it, not a great deal. Q. Do you not remember when the Knickerbocker line of stages was running? A. I remember them; I don't know whether it is the same that you mean. Q. I mean  
1409 the Knickerbocker line that ran through Bleeker Street? A. Yes, sir.

Q. They are gone; they do not obstruct the street any more; do you remember the Amity Street line? A. Perhaps so. Q. A line of white stages which ran about twenty years ago? A. Very likely I have; I can't remember that. Q. All the stages that then formed the company that was known as the Consolidated Stage Co. were withdrawn from Broadway about the time the Seventh Avenue Railroad was constructed; do you remember that? A. That may be; I don't keep any memorandum. Q. Since those stages have been dispensed with in the street the blockades have been less than they used to be, have they not? A. That is so. Q. You and  
1410 I remember that some twenty years ago blockades on Broadway were very much more frequent than they are now? A. Yes, sir; in the lower end of Broadway it is still so; I don't say the upper end of Broadway. Q. Notwithstanding the increase in the commercial business of the city, and the increase of trucks and other vehicles, it is your opinion that Broadway is now less subject to blockades and obstructions than it was twenty years ago? A. In the upper part of Broadway; I don't say down town; that is just as bad. Q. Down town also, do you not remember when it was quite common every day in the Winter season to see blockades in Broadway where the vehicles were wedged in for hours, so as to be unable to pass. A. And it is so still from Fulton Street down. Q. When have you ever seen such a blockade as that within the last ten years?

A. Oh, yes; in the Winter you can see it. Q. 1411

When the street is clear? A. When the snow is on the street. Q. Do you call to mind a solitary blockade of that kind that you witnessed within the last ten years? A. I have not witnessed it personally, but I know it from my men. Q. I want you to call to mind and tell the Commissioners a solitary blockade of that kind that you have witnessed within the last ten years. A. I cannot say because I have not left my office for ten years; my men tell me of them. Q. You personally have no knowledge? A. I have passed up and down; but they tell me. Q. I am only speaking about the last ten years, now. A. Yes, sir. Q. You have stated in your opinion a truck forms no greater obstruction in a street than an omnibus; is that so? A. They do not block the street any more, I don't 1412

think. Q. What is the length of the truck and the horses attached to it and the pole, measuring from the end of the pole to the end of the truck; what is the length of the largest truck you use? A. I could not really say; I suppose 25 feet perhaps; that is, the pole and truck. Q. A loaded truck of that kind is bigger and longer than an omnibus, is it not? A. Yes sir. Q. In your opinion a street-car in Broadway, as I understand you, would not make any more obstruction to the street than an omnibus or a truck; I speak of the car itself? A. You mean the length of the car? Q. I think you said to Mr. Beaman that in your opinion it would be about the same; that a street-car itself would not afford any more obstruction to Broadway than would a truck or omnibus; is not that so? A. If 1413

the street-car keeps moving and there is nothing in its way, of course it gets out of the way, but if I am on that street, and there is a car coming up, and I am shoved out in the street by a police officer, I have got to cross my team of horses on two tracks, which will make more or less wear on my trucks. Q. I am not talking about the trucks; the car itself does not afford any more obstruction to a street than a truck or omnibus? A. I should think not; but suppose it was stationary. Q. Wait a moment and see what I am getting at; suppose you were told that there were 210 stages running on Broadway at the present time south of Fourteenth Street, and suppose you were told that the inauguration of a railroad would withdraw all those stages from the

1414 street, and in their place, instead of 210 stages, there would be less than 100 cars; then would you say that Broadway was likely to be encumbered more or less by the construction and operation of the street-cars? Consider that whole question. A. That is another question; that deserves a good deal of consideration, more perhaps than I will be able to say; but I do think the stages would be more accommodation to more people than the cars on Broadway in that case.

Q. A car carries very many more people than a stage, does it not? A. That may be, too. Q. Just listen to my question; assume now that one hundred cars or less would carry all the passengers that are now carried by the two hundred and ten stages; would the substitution of one hundred cars in lieu of  
1415 the two hundred and ten stages tend to alleviate the obstruction of Broadway rather than to increase it? A. I think the two hundred and ten stages is more accommodating to more people than the cars. Q. But you do not pay attention to my question now; you say that the car does accommodate more people than the stage, do you? A. Certainly it does; it can carry more because they stand up. Q. Assume that we are able to prove now that one hundred cars or less would carry all the people and more than are now carried in two hundred and ten stages; would not then the substitution of the one hundred cars for the two hundred and ten stages on Broadway tend to alleviate and promote the travel on Broadway rather than to increase the obstruction? A. To  
1416 give my opinion about it, I would rather have the stages than the cars; I would have more room and liberty. Q. Notwithstanding that you have already testified that a car would take up no more room than an omnibus. A. I am not talking about the length; but the car would make more blockades. Q. Do you withdraw what you have stated, as I understand it, that a car would take up no more room of itself in Broadway than an omnibus? A. Do you mean to say the car takes up the length of room? Q. If I understand your testimony, I think you have already stated— A. (Interrupting) If I remember the testimony I gave, that the stage from the point of the pole to the end of the stage was only about the length of the car; there is not much difference; it might be a little. Q. Then a car would not take up any more room in a street

than a stage does? A. In that case about the same; 1417  
 I think I said so. Q. Then if you remove one hundred and ten of those stages, and leave one hundred there, would that tend to alleviate or tend to increase the obstruction in Broadway? A. I think the stage is less encumbrance to men like me. Q. Do you mean to say that two hundred and ten stages are more or less of an encumbrance than one hundred stages? A. That, of course, is another thing; that is not a horse-car; one stage in place of two will take up less room than two. Q. I only want to get your opinion about it; is it your opinion that two hundred and ten stages are of less obstruction to Broadway than one hundred would be? A. I should say one hundred stages would make less obstruction. Q. Suppose you were told, and suppose it was proved to your satisfaction by experience, 1418  
 that fifty cars running between the Battery and Union Square would do all the work and more than is now done by the two hundred and ten stages, would you say that the substitution of fifty cars for the two hundred and ten stages now running would improve or tend to obstruct the traffic in Broadway? A. If it was proved to my own satisfaction I suppose I would have to accept it. Q. How many blocks are there from the Battery to Union Square, or what is the distance? A. I really could not say, although I have traveled it often; hundreds and hundreds of times; a mile or two, I suppose. Q. You cannot tell how many blocks there are? A. I could count them, perhaps, by going block to block. Q. I do not want to waste time by counting? A. I could count every block from the Battery up. Q. In the ordinary operation of street-cars in the most frequented streets of the city, a car on a block is about as near as cars run together, is it not? A. Sometimes, and sometimes there will be a block Q. But that is as near as they average—a car on a block on either side; one on the up track and one on the down track on a block is about as near as they run regularly? A. Just about as near. Q. Then if there are only twenty-five blocks between the Battery and Union Square, fifty cars would furnish a car on a block on each track, would they not? A. Yes, sir. Q. You say that you do business in West Broadway corner of Leonard Street? A. In Church Street, corner of Leonard. Q. How long have you done your business there? A. I have been in that 1419

1420 house ten or twelve years ; I don't know exactly, but somewhere in that neighborhood. Q. What is the name of the firm for which you work ? A. Falkner, Page & Co. Q. Is that a dry goods firm ? A. Yes, sir. Q. If they have only been there eight or ten years, they went there after the railroad company's tracks were laid in Church Street, did they not ? A. Yes, sir. Q. Where was their previous place of business ? A. We were in White Street before that.

Q. How long were they in business in White Street ? A. Some four or five years at least. Q. Your firm, or the firm for which you work, had full knowledge, and you had, when they moved from White Street to Church Street, that there was a railroad in operation in Church Street directly in front of the store they proposed to occupy ? A. Yes, sir ; and it was a great objection, too ; that was one of the objections they had. Q. Nevertheless they went from White Street, where there was no railroad, to Church Street, where there was a railroad ? A. They went to a better store. A. Answer my question ; with a full knowledge that there was a railroad in regular operation in Church Street, and there being no railroad in White Street, they moved out of the street in which there was no railroad into the street in which they now are, where there has been a railroad ; is that so ? A. Yes, sir, that is so. Q. Do you take in your goods on Church Street ? A. Some of them ; we have a slide on Church Street, where we take in all of certain kinds of goods. Q. You take in goods on Church Street notwithstanding that your store is on the corner ? A. The front of the house is on Leonard. Q. And there is no railroad in Leonard Street ? A. No, sir. Q. Nevertheless you take in your goods on Church Street ? A. We have got to do it ; we have no other place. Q. What is the matter with Leonard Street ? A. If you will allow me, I will tell you. Q. Tell me ; I would like to know. A. We have the first floor, basement and sub-cellar ; the sample-room is on the first floor. Q. There is no railroad in Leonard Street ? A. No, sir ; Vietor & Achelis have part of the house ; one elevator does the business of the two concerns in the house ; we haven't the room to do business in that store, therefore the firm or the landlord had to make a slide on Church Street ; the railroad goes as near to that sidewalk as from *here*



to *there*. Q. That is about two feet? A. Yes, sir. 1423  
 Q. Nevertheless, for the last ten years you have been doing business in that street? A. We were forced to do it. Q. And the railroad ran regularly all the time? A. Yes, sir; they could not get out of it.

*By Mr. Beaman :*

Q. Every time you load or unload you have to stop a car? A. Yes, sir. Q. And that is a necessity of the situation? A. That is a necessity of my time considerably. Q. You have explained or been asked about Broadway being less blockaded in the Winter time for the last ten years than formerly; is it not true that during the last ten years Broadway has been generally kept clear of snow? A. Pretty 1424  
 much. Q. And that the keeping of Broadway clear of snow diminished the blockade and made the travel better? A. It has helped that. Q. It has helped to do that? A. Yes, sir.

WM. M. POWNALL, being duly sworn, testified as follows :

*By Mr. Beaman :*

Q. Where do you reside? A. 102 West Forty-fourth Street. Q. What is your business? A. Truckman. Q. How long have you been a truckman in the City of New York? A. I have been a truckman at different times; but the last, it is 1425  
 twenty-one years. Q. What particular kind of trucking have you made a specialty of? A. For the last twenty years it is safe trucking—trucking safes. Q. You have been trucking for the safe companies or for owners of safes, or both? A. For the safe companies and for everybody that wants a safe handled that would employ me to handle it. Q. You have been the principal truckman for safes in the City of New York during that period of twenty years, have you not? A. I have done considerable at it. Q. For what manufacturers have you trucked? A. The Marvin Safe Company, the Valentine & Butler Safe Company, and William H. Butler. Q. Were you doing their whole regular business at the times you worked for them? A. Yes, sir. Q. How many trucks have you kept at hand as a part of your business? A. I am doing busi-

1426 ness with seven trucks now. Q. Seven at present?

A. That is the most I have ever employed. Q. And you have seven now? A. Seven; yes, sir. Q. State whether or not on Broadway, between Fourteenth Street and the Battery, there are a great many safes that from time to time are moved, or have been moved by you? A. Yes, sir.

Q. Where are the principal warerooms for the safe manufacturers? A. Both of mine are in Broadway.

Q. Whereabouts? A. 265 and 291. Q. Which one is at 265? A. Marvin's. Q. That is the corner of what street? A. Between Chambers and Warren.

Q. And the other one is whose? A. Corner of Reade. Q. What manufacturer is that? A. Butler.

Q. Are there any other safe manufacturers on 1427 Broadway? A. Herring; corner of Murray Street.

Q. And Broadway? A. And Broadway; Hall is between Chamber and Reade, on Broadway. Q.

And are the safes usually delivered to these manufacturers, or from these manufacturers, on Broadway or on the side streets? A. I don't exactly understand you; I am a little hard of hearing;

please excuse me. Q. The safe dealers that you have spoken of, or the manufacturers, do not make their safes here at their storehouses on Broadway; do they? A. No, sir. Q. They make them elsewhere? A. Yes, sir.

Q. And their business consists in selling safes? A. They have them on store here; yes. Q. So that their safes are brought to their stores for sale, and then when sold are taken

1428 away from their stores? A. Yes, sir. Q. And that is the business you are doing? A. Yes, sir. Q. My question is, which, if any of those safe dealers, receive and deliver their safes on the Broadway side of their store, or from the Broadway entrance? A.

Marvin & Co., and Hall, have no other way to receive or deliver their safes, only from Broadway.

Q. And the other dealers? A. Herring can deliver on the side street; Butler can handle on the side street; it principally is done on the side street from their stores. Q. But they deliver some on Broadway? A. Oh, a great many of them are delivered on Broadway; yes. Q. What is the general situation in which you have to deliver safes that are to go into buildings on Broadway between Fourteenth Street and the Battery; is the delivery generally made on the Broadway side of the building as you deliver safes all up and down Broadway? A. I

think, below Canal Street, they generally are delivered on the Broadway side; above Canal, in several cases, they are delivered on the two outside streets. Q. On Mercer and the other streets? A.

Mercer and Crosby Streets. Q. But otherwise they are delivered below, on Broadway? A. Yes, sir.

Q. What is the character of your trucks which you use in delivering safes; what is the size of them?

A. Our trucks are pretty good sized trucks; it takes at least eight feet of space for them to pass through in going straight ahead, from outside of the hub to the outside of the hub; backed up to the curb-stone it takes thirteen feet to pass our truck that carries a good sized safe; rather longer, probably, than the general run of trucks, because we have the gearing in front; it is thirteen feet from the curb-stone to clear the windlass on the forward part of the truck. Q. To clear your trucks when they are backed up? A. When they are backed up to unload. Q. Is it your custom in loading and unloading safes generally to do it by backing up to the curb? A. It is necessary to back right straight square in front of the door so that the skids lays—the safe is rolled in on its wheels, and your truck must stand at right angles with the sidewalk.

Q. What number of safes do you deliver in the course of a year, probably? A. Do I deliver or handle? Q. Handle. A. Well, from six to eight thousand.

Mr. Scribner: Does he mean on Broadway?

Mr. Beaman: No, I did not ask him that. 1431

Q. Can you tell what proportion of those are received or delivered on Broadway? A. I don't hardly think I could; I have never paid any attention to which part of the city. Q. To what extent do you use Broadway as a part of your course when you deliver safes; do you find it a good place for hauling a safe? A. Broadway? Q. Yes, Broadway. A. Yes, sir; I do. Q. Why? A. It is clear, for one thing; we go considerably out of our way to get into Broadway; we don't come in contact with railroad tracks for one thing. Q. Horse railroad tracks you mean? A. Not in Broadway. Q. What objection are horse railroad tracks in your business? A. There is a great deal of objection in my opinion, going in and out of the tracks and crossing them; and the cars in the way; the car can't get out of our way under any circumstances; we must get out

- 1432 of the way of the cars; and sometimes we find it very difficult when we have a safe on that is seven or eight feet high, and a pretty heavy load; we can't divide our load; we can't make two loads of it; and if we meet a railroad car, if it is a bad place, we must turn out into it; we consider it not only a trouble to do so and a good deal of work, but it is really dangerous; that is one good reason why we shun railroad tracks; we shun streets that have railroad tracks in them as much as possible; it is necessary for us to do so, and we would go a good ways around to do that. Q. You are familiar with the general business that takes place on Broadway and the general traffic there, and have been these twenty years or more?
- 1433 A. I have been trucking safes in Broadway for over twenty years. Q. What effect in your opinion would it have upon the general business of Broadway, so far as it consists in the going to and fro of vehicles on the street, if on Broadway between Fourteenth Street and the Battery there was a double track for horse-cars—that is, a track down and a track up—15 feet wide between the outer rails, and the horse-cars running on this track in the usual way? A. Judging from what I see of horse-car tracks in other streets, it would be a great deal of injury; it would be very dangerous to Broadway for travel, judging from what I see in other streets; I have never seen a track in Broadway. Q. Why do you think it would be injurious from what you have seen in other streets? A. As I stated, the car
- 1434 can't get out of the way, consequently it blocks up the street; for instance, if our truck was stopping to unload, and there comes up a car, it can't pass me until I unload; there comes another one behind it, and the whole street is blocked up; two trucks cannot pass between the curbstone and the car; they cannot get out of the street, and there would be a block from different causes—if a truck gets broke down on the track, which it very often does; my own has thrown a safe on to a truck; if it had thrown it into a man's carriage and killed him, it would have been a very bad thing for me; such things make a block and stop the cars. Q. How would such a block as that, or how would your breaking down on Broadway, or your unloading a safe on Broadway, affect an omnibus that was going up? A. An omnibus can go around; in fact, if

there comes a big block in Broadway, an omnibus, 1435 or truck or carriage, can go round the block; I never saw a railroad car that could; I have seen them lift their car off the track and go around and get on again. Q. You have never seen them leave the street altogether? A. I have never seen them. Q. In your opinion do the same number of omnibuses on Broadway affect the travel any more than the same number of trucks? A. The same number of omnibuses and the same number of trucks? Q. Yes. A. Well, I don't know that I could answer that question exactly; I have never taken sufficient notice of that; if they were all large trucks, probably the same number of trucks would take up more room on Broadway than the omnibuses; an omnibus is generally drove a little faster than a truck, 1436 and it whips and dodges in and around, and probably would not take up as much room; I could not say about that; I have never thought of it, and consequently could not say. Q. Which in your opinion would be the greatest obstruction to Broadway, a certain number of omnibuses, or a certain number of horse-cars running on a track up and down? A. I think the cars would be the most in the way.

Q. What part of Broadway, in your opinion is the most crowded part? A. The most crowded part, as far as my judgment goes—it is crowded more from Chamber Street to the Battery, than from Chambers Street to Fourteenth Street. Q. More from Chambers Street to the Battery, than from 1437 Chambers to Canal Street? A. I think so. Q. At what time of the day is it, in your experience, that it is most crowded? A. I declare, I have never noticed; I have always found it pretty well crowded all day; that is, after say, nine o'clock in the morning, up to six o'clock at night; I have found Broadway pretty well crowded; if a horse falls down there is a jam there that stops everything for the time that it takes him to get up; it don't take over three minutes to block Broadway, so that there is a jam there and a stand-still. Q. That is occasioned by any little accident on Broadway? A. Yes, sir. Q. About the seasons of the year; have you noticed anything about that, as to what seasons Broadway is most crowded in? A. Of late we would seek Broadway in the Winter time in preference to any other street, but twenty years ago, I don't know

- 1438 that it would make so much difference ; but they keep Broadway clear for us now. Q. Clear from snow ? A. Yes, sir. Q. But at which season of the year is your business most on Broadway ; when are you moving most safes ? A. I move the most safes in the Spring of the year. Q. In your judgment, is Broadway more crowded in the Fall, or Spring or Winter ? A. I don't know that I have noticed sufficiently to say. Q. Have you any office where you do business, or where you can be found—or your trucks ? A. 265 and 291 Broadway.

*Cross-examined by Mr. Scribner :*

- Q. Will you please, for my accommodation, name again the business firms whose safes you carry ? A. 1439 Marvin at the present time, Marvin and Butler. Q. Mr. Marvin's place is at 265 Broadway ? A. Yes, sir. Q. That is between what streets ? A. Chambers and Warren. Q. That is the very widest part of Broadway, is it not ? A. I think it is wider there than it is—that is a wide place in Broadway. Q. We have a table of measurements here that shows that the carriageway at Broadway and Chambers Street is fifty-six and a half feet wide, and at Murray Street, it is fifty-five feet six inches wide ; a track constructed in the middle of the street—double track—occupying only fifteen feet, would leave abundant space on either side of the track for your trucks to back up and deliver safes, would it not ? A. Our safes are not all delivered between 1440 Chambers Streets— Q. No, I am speaking of where you work—Marvin & Co.'s, at 265 Broadway ; you say that is between Murray and Chambers ? A. No, sir ; between Chambers and Warren. Q. If the carriageway, as I have represented from Mr. Serrell's table, is fifty-five feet and upwards there, the construction and operation of a double track railroad in the centre of the street would not interfere with the longest truck you have got, when backed up to load or deliver a safe in front of Mr. Marvin's store, would it ? A. If it gives full thirteen feet, it would not interfere, when being backed up. Q. It would give a good deal more than thirteen feet according to those figures ; do you mean that your trucks measure from the outer end or from the extreme rear of the truck to the most extreme projecting point, thirteen feet ? A. It measures more than that ; when I am backed up to the curbstone,

measuring from the curbstone. Q. Thirteen feet 1441  
 measuring from the curbstone? A. A portion of  
 the truck is over the sidewalk. Q. That is what I  
 was going to inquire about; a portion of the bed of  
 your truck is over the sidewalk when you stand  
 backed up at right angles? A. Yes, sir. Q.  
 Where is Mr. Hall's place on Broadway? A. Be-  
 tween Chambers and Reade. Q. That is a very  
 wide place in Broadway; if the measurements show  
 that a railroad track could be constructed in the  
 centre of the street there, leaving thirteen feet or  
 more between the track and the curb, would you  
 have sufficient room to back your truck and receive  
 and deliver safes in front of Hall's store? A. In  
 front of Hall's store, with a double track fifteen  
 feet from the track to the side, I can't back up and  
 let the car pass me. Q. How do you know that; 1442  
 where do you say Mr. Hall's place is? A. It is be-  
 tween Chambers and Reade, in front of the Stewart  
 Building. Q. There the carriageway at Reade  
 Street, by Mr. Serrell's table, appears to be forty-  
 one feet and an inch, and at Chambers Street, forty-  
 one feet eight inches; you say that fifteen feet of  
 track in the centre of the street, would not leave  
 you thirteen feet to back your truck in? A. Not  
 when a car is in front of me, not to let a car pass  
 me; the car projects over the track.

*Mr. Scribner:* We will see about that.

*Mr. Beaman:* When will we see about it, now or  
 some other time?

*Mr. Scribner:* When we get out tracks down  
 there.

*Mr. Beaman:* If you put it off until then, I am 1443  
 willing.

Q. How long does it take you to get an ordinary  
 safe on and off your truck from the sidewalk; you  
 have an apparatus connected with your trucks that  
 enables you to do that with a good deal of facility,  
 do you not? A. Yes, sir; it depends a good deal  
 upon the circumstances of what kind of a place we  
 have to unload it at; in front of Mr. Marvin's store  
 we unload a safe very quickly; there we will fetch  
 down sometimes two or three or four safes at once  
 on a truck; consequently the truck has to stand  
 there quite a while to get them all on. Q. Having  
 got a safe on the sidewalk, then there is no difficulty  
 about your turning your truck so that it will be  
 parallel with the curb? A. We don't put the safe

- 1414 on the sidewalk ; we have a skid that reaches from the truck, and we unload right into the store. Q. Do you deliver a great many safes in Grand Street? A. No, sir, I can't say that I do a great many. Q. You do deliver safes to the merchants in Grand Street? A. Yes, sir. Q. There is a double track railroad in operation there, and there has been for a great many years ; is not that so? A. Yes, sir. Q. Do you deliver safes in West Broadway? A. Yes, sir. Q. There are double tracks there, and a railroad in operation for many years? A. Yes, sir. Q. Do you deliver safes in Broadway above Seventeenth Street? A. We do. Q. There are double tracks there and a railroad in operation for many years? A. I have found that out. Q. And Broadway above Seventeenth Street you have found
- 1445 out is a great deal narrower than Broadway below Fourteenth Street, have you not? A. I have. Q. You have stated that you regard horse-cars as more of an obstruction than omnibuses in streets? A. It would seem so to me. Q. You would not regard one horse-car as more of an obstruction to a street than two omnibuses, would you? A. I would. Q. Would you? A. Yes, sir. Q. Suppose that you were told that 50 horse-cars would do all the business on Broadway south of Fourteenth Street that is now done by the 210 stages, would you still insist that those 50 horse-cars were more of an obstruction to Broadway than the 210 stages now in use? A. I am speaking of my own individual business; a horse-car—no omnibus and no number of omnibuses would be as much in my way as one single
- 1446 horse-car if it came in contact where I was working, because the omnibus will get out of our way, while I have got to get out of the way of the car, and I have a great deal of difficulty in doing so. Q. The horse-car would not have much chance to run down one of your big safe trucks, would it? A. No, sir. Q. And if you were backed up across the street with your truck, and a safe was on it that would weigh eight or ten tons, the only effect of that would be, if there was no room for the horse-car to go by, it would have to stand still, would it not? A. Yes, sir ; but they might do as they have done, lug me off to the tombs for doing that. Q. The horse-car did it? A. For stopping the horse-car. Q. I think you stated that all you require for the transit of your safes in Broadway—that is, while you are traveling up and down—is



eight feet space? A. That is the exact distance 1447  
from the outside of the hub to the outside of the  
hub of my truck. Q. So that if the construction of  
this railroad in the centre of the street would leave  
a space of eight feet between the curb and the side  
of the car in passing, there would be no difficulty  
for the large trucks that you use to pass up and  
down? A. Yes, there would. Q. How would there  
be difficulty? A. I can't go one block in Broadway  
without I will find some kind of a wagon, carriage  
or truck standing by the curbstone, and then I  
can't pass between that and the car. Q. You can  
when the car goes on? A. Yes; if that car was an  
omnibus, they would turn out; they give me an  
opportunity; they turn out and let me get by; the  
railroad car can't do that.

Q. The railroad car can stop, can it not? A. If a 1448  
railroad car stops, that blocks up the whole thing,  
and then we can't get through, and then the whole  
thing is blocked up for another car. Q. If there  
is sufficient room between the curb and the side of  
the passing car, and you are stopped by another  
gentleman engaged in the safe business who has his  
truck backed up against the curb, it is that truck  
and not the car that stops you, is it not? A. Sup-  
posing it was not another safe truck. Q. Suppose  
it was a potato wagon; it is the wagon and not the  
car that stops you. A. No, sir; it is the car that  
stops me.

*By Mr. Beaman :*

Q. Please state how the car and not the wagon 1449  
stops you? A. Because the car can't get a particle  
out of the way and the wagon could get out of the  
way if it was not for the car there to hinder it from  
getting out of the way. Q. And the car not getting  
out of the way, what have you to do? A. I have  
got to stand still until something does get out of the  
way, unless I have room to turn around, which we  
don't always have. Q. In regard to other parts of  
the city as to which you have been examined with  
reference to delivering safes—on Grand Street and  
West Broadway and Broadway above Fourteenth  
Street—is it not true that you deliver very few safes  
there compared with those you deliver on Broadway  
below Fourteenth Street? A. Broadway above  
Fourteenth Street there is not as many safes deliv-  
ered as in Broadway below Fourteenth Street. Q.

- 1450 How about Grand Street and West Broadway as to which you were also asked? A. I don't think I deliver as many safes in Grand Street as I do in a great many other streets; it does not seem to me so just at present. Q. And the character of safes that you deliver there—are they larger or smaller than the safes that are in regular use up and down Broadway? A. The safes we move on Broadway; the largest safes are in Broadway. Q. Where are the manufactories of these various safe companies that you have spoken of? A. Thirty-seventh Street; the Marvin Safe Company is in Thirty-seventh Street, between Eighth and Ninth Avenues; Mr. Butler's safes come from the railroad depot; they are manufactured outside of the city. Q. What depot? A. Sometimes it is the Grand Central Depot—what
- 1451 we call the Grand Central Railroad and the Star Union Line; they principally come by those two lines. Q. Where is the Star Union station? A. Pier 38 North River; that is the old number; I don't just know what the new number is. Q. Where do the other safe manufacturers' safes come from? A. Not those that I have just named? Q. No, others. A. Mr. Herring has his factory now over on the East River; it used to be on the corner of Fourteenth Street and Ninth Avenue. Q. East River and where? A. It is on the East River, just at the turning of the river; I don't know exactly what streets. Q. Not very far up? A. It is just at the turn of the river. Q. Just above the bridge? A. Yes, sir; it is just above Pier 50, I think; it is right up there at the turning of the river, where the river
- 1452 turns to go around; some calls it the Hook, I believe. Q. Is it above Grand Street? A. It is south of Grand Street; it is this side of where Grand Street strikes the East River; considerably this side. Q. In bringing the safes of these various manufacturers to their warerooms, is it or not their custom or habit to use Broadway in the transit for coming up and down? A. I can't get my safes to Marvin's factory without going into Broadway, and we come down Broadway all the way from Fourteenth Street; we come down Fifth Avenue as much as we can, and then we get into Fourteenth Street; we do that to avoid the railroad tracks; if there was no railroad track at all, by coming right straight down Hudson Street and up West Broadway it makes the distance a trifle shorter when we are in Eighth Avenue; that

is the continuation of Hudson Street. Q. If you were receiving a large safe to-day at the Forty-second Street depot and wanted to bring it down to the corner of Chambers Street, how would you come with it—suppose you were told to go to the Forty-second Street Depot and get a large safe there and bring it down to Marvin's? A. From the Forty-second Street depot? Q. Yes. A. We don't often get safes at the Forty-second Street depot. Q. I thought you said the Grand Central Depot, which I understood to mean Forty-second Street? A. I should have said the Grand Central Railroad—I mean the Hudson River Railroad at St. John's Park; and Pier 26 North River; I think I did say that, but it is the Hudson River Railroad.

Q. A. St. John's Park? A. Their freight depot is at St. John's Park and at Thirty-third Street, and at Pier 26 North River, and I believe there are one or two other freight depots. Q. You spoke about bringing safes down Fifth Avenue; do you often have occasion to bring them down Fifth Avenue? A. We take a portion of Fifth Avenue with those we bring from Marvin's factory. Q. That is where? A. Thirty-seventh Street, between Eighth and Ninth Avenues. Q. How do you get from Marvin's factory with a load down here to his warehouse? A. They generally come right down Thirty-seventh Street to Fifth Avenue, down Fifth Avenue to Thirteenth Street, through Thirteenth Street to Broadway, and down Broadway to 265.

*By Mr. Scribner :*

Q. How long did Herring have his factory at Fourteenth Street and Ninth Avenue? A. He had it there I guess a good many years; the first I ever knew of Mr. Herring's factory that was where it was. Q. That is how many years ago? A. I think it is a good while ago. Q. That does not afford me any definite information, or a very definite answer to my question. A. I don't think I could tell you exactly. Q. Give us within four or five years; is it forty years ago? A. I think it is. Q. As much as forty years ago? A. I won't say forty years ago; I know it is ever since I have been in the safe business, and that is twenty-one years; I know it is that long, and I think it is longer. Q. How long is it since he moved away from Fourteenth Street; do you know? A. I guess it ain't over a couple of

1456 years ; it is not a great while any way ; it don't seem more than two years. Q. For a great many years he carried on business at that place at Fourteenth Street and Ninth Avenue with a horse railroad on both sides of him ; did he not ? A. Yes, sir. Q. That is all I wanted to get at. A. He had it there before the railroad was built. Q. He had it there a great many years after both those railroads were built ; did he not ? A. Yes, sir. Q. The Ninth Avenue Railroad was built a good deal longer than twenty-one years ago ; you have known the Ninth Avenue in that place as long as thirty years ; have you not ? A. I don't know ; I can't say how long. Q. At all events he kept his business there and did business, and transacted business there at that point, with a railroad on both sides of him, for  
 1457 a great many years, and he did the largest safe business in the world ; did he not ? A. It looked as though he did ; it always seemed to me ; I never saw in his factory, but it always appeared that he was manufacturing there. Q. You know that Herring, while he was there, did the largest safe business on the face of the globe ; did you not ? A. No, sir ; I do not ; I know to the contrary.

*By Mr. Beaman :*

Q. Do you know where he used to deliver his safes, or receive them, when he had his factory there ; did he not deliver them on Hudson Street, or have an entrance on Hudson Street ? A. He had an entrance on Hudson Street, and he had an entrance on the other street. Q. Do you know on  
 1458 which street he delivered his safes ? A. Where the main delivery was ; no, sir ; I could not say that ; he had a paint room on the west side of Hudson Street. Q. And that was where his finishing room was ? A. He had a finishing room there ; whether all his safes were finished on that side I don't know. Q. Then he had a chance to deliver on Hudson Street, did he not ? A. Yes, sir ; he had a chance to deliver on Thirteenth Street ; he had three fronts. Q. And you don't know on which front he did deliver, do you ? A. I do not ; well, the safe that was ready to go to the store must have been delivered from the finishing room. Q. And you do not know from which street he delivered ? A. No, sir ; I don't know. Q. About how many different trucks or truckmen are there engaged in the business of

safe moving in the City of New York ; I do not mean different truckmen, like you, but separate trucks. A. I don't know ; we employ seven ; I don't know how many Mr. Herring employs ; you mean individual trucks ? Q. Yes. A. I don't know how many he employs ; I could not say. Q. Fifty ? A. I don't hardly think that there is fifty that is employed exclusively for that business, as our trucks is ; there is fifty different trucks that handle safes ; there is seasons of the year that we employ about a dozen or fifteen ourselves.

Q. Are there more than twenty-five regularly employed in trucking safes, and nothing else ? A. Trucks ? Q. Yes. A. To my positive knowledge, I do not know. Q. About how long a time does it take you to load or unload an ordinary sized safe on Broadway ? A. We can in from five to fifteen minutes ; I am speaking now of where we have nothing in the way ; it depends a little on the size of the safe ; if it is a light safe, we can do it pretty quick ; we can load a pretty good sized safe up in fifteen minutes. Q. Or unload it in fifteen minutes ? A. Or unload it in fifteen minutes ; we can unload it a trifle quicker than we can load it.

*By Mr. Scribner :*

Q. Does a merchant on Broadway ordinarily get in a safe every day, or only once in thirty or forty years ? A. Each merchant ? Q. Yes. A. Well, I guess they don't get in one every day unless it might be Marvin or Herring. Q. An ordinary merchant does not get in a safe on Broadway more than once in a lifetime, does he ? A. I don't think a day passes without a safe is moved on Broadway. Q. An ordinary mercantile firm does not get a safe put in more than once in a lifetime, does it ? A. It would be a short lifetime. Q. You stated that Herring also had an entrance or place where he could receive and deliver goods on Hudson Street ? A. Yes, sir. Q. There happens to be a horse-car line there—a double track—in Hudson Street, does there not ? A. I think there is. Q. So that Herring really carried on his business surrounded on three sides with horse cars ? A. No, sir ; on two sides. Q. He had one in Fourteenth Street ? A. His front in Fourteenth Street was only about two feet wide. Q. But, nevertheless, there is a double horse-car line there—two tracks in Fourteenth Street and

- 1462 double tracks in Ninth Avenue? A. I said he had three fronts, but I did not name Fourteenth Street as a front, because it is only about two feet wide. Q. But, nevertheless, whatever front there is in Fourteenth Street is passed by a double track horse railroad? A. I believe it is. Q. And on Ninth Avenue there are double tracks also? A. I believe it is. Q. And on Hudson Street double tracks? A. Yes, sir. Q. And the Eighth Avenue line runs on those tracks, and they run a good many cars? A. The Eighth Avenue cars run on neither of those tracks. Q. Are you sure of that? A. I won't say positively they don't, but never to my knowledge. Q. What does run on those tracks in Hudson Street; what cars off of Eighth Avenue down? A. Past Herring's factory that he used to occupy? Q. 1463 Yes. A. It is a line that I think they call the Bleecker Street line; I think that is the line—the one-horse car. Q. Horse-cars run there on both tracks? A. Yes, sir; but not the Eighth Avenue cars.

*By Mr. Beaman:*

- Q. When merchants move their places of business on Broadway, they ordinarily move their safes also, do they not? A. That is my principal business. Q. Your principal business is what? A. Is moving your safe, and every other man's safe, when he shifts from one place to another. Q. In your experience they move several times in a lifetime? A. Most of them does; yes, sir; and not a 1464 very short lifetime, either. Q. In regard to this factory of Mr. Herring's, one side was on Thirteenth Street, was it not? A. Thirteenth Street, Ninth Avenue and Hudson Street. Q. There are no horse-cars on Thirteenth Street, are there? A. No, sir. Q. How much front is there on Thirteenth Street? A. I don't know exactly how much front there is; there is a pretty good front on Thirteenth Street; their finishing-room was on Thirteenth Street.

*By Mr. Scribner:*

- Q. Was there any delivery on Thirteenth Street? A. I think the majority of their safes that came down to the store after they were finished were taken to the truck from Thirteenth Street; that is my impression.

*By Mr. Fuller :*

1465

Q. You say Mr. Marvin's factory is in Thirty-seventh Street between Eighth and Ninth Avenues?  
A. Yes, sir.

Q. What street do you go through to get down to Broadway, No. 265? A. Go right out Thirty-seventh Street to Fifth Avenue, down Fifth Avenue to Thirteenth Street, through Thirteenth Street to Broadway, and down Broadway to 265. Q. Do you never go down Ninth Avenue into Hudson Street, and to Canal, and up Canal to West Broadway, and down West Broadway, and so to your place? A. Not unless we have business to call us that way; never; we sometimes deliver safes on our way down, but unless we have special business which calls us down Ninth Avenue, I don't think our trucks ever called that way one single time. Q. Do you know  
of your own knowledge that they do not come that way? A. I know of my own knowledge that they do not come that way, unless it might have been some rare circumstance; I won't say about that, but to my positive knowledge, that is not the route that they go by. Q. Do you instruct your truckmen to go up Thirty-seventh Street to Fifth Avenue, and down Fifth Avenue to Thirteenth Street, and through Thirteenth Street to Broadway, instead of going down Ninth Avenue to Hudson, and through Canal, and up Canal to West Broadway? A. That is the way I have always had them go; if they ever went down Ninth Avenue, unless there was special business that way, they have done it without my knowledge. Q. Do you know that Ninth Avenue  
and Hudson Street is much clearer, and much the easier carting? A. I know that Ninth Avenue and down Hudson Street, and so on, down Canal and down West Broadway is a shorter distance; but where you gain in distance, you lose in the liberty of your horses dragging in and out of railroad tracks. Q. Cannot your trucks go, 99 times of 100, or we will say 49 times out of 50, not to make it too strong, down Ninth Avenue to Hudson Street, and to Canal Street without being blocked one time in 50? A. Without hauling in and out of the railroad tracks? Q. Yes. A. You reverse that; reverse your question, and I will answer you, yes. Q. Is there not plenty of room on either side of the tracks for your trucks? A. No, sir.

*Mr. Fuller :* That is all.

1468 *The Witness*: Hold on, let me explain my answer; if that street was entirely clear, and if there was nothing at all into it—there is a place to go along there, of course, but we cannot go one block, without hauling out into the railroad track: that is the way I wish my answer to be understood.

Q. Can't you go down Ninth Avenue and Hudson Street and Canal Street 49 times out of 50 without going into the track at all, and without any necessity of turning out? A. The whole distance? Q. Yes. A. 49 times out of 50? Q. Yes. A. Not more than once out of 50, and I don't believe we can do that; that is my experience.

*Mr. Fuller*: I have had my experience, and have trucked there for twenty-nine years.

*Commissioner Harris*: Anything more?

1469 *Mr. Fuller*: No, sir; that satisfies me.

MICHAEL BRADLEY, being duly sworn, testified as follows:

*By Mr. Beaman*:

Q. Where do you live? A. 39 Renwick Street. Q. What is your business? A. Truckman. Q. For whom do you truck? A. Thurber, Whyland & Co. Q. Anybody else? A. No, sir. Q. What is their business? A. Wholesale grocers. Q. What was the former name of that firm? A. H. K. & F. B. Thurber & Co. Q. Where is their place of business? A. West Broadway, Reade and Hudson and Duane Streets; on the Square. Q. How long have you trucked for them? A. About twenty years. Q. Are you the foreman of their trucking business? A. Yes, sir. Q. How many trucks are there in their employ? A. From twenty-eight to thirty-five. Q. What is the business of those trucks; is it bringing goods to that large store, and delivering them from there? A. Yes, sir. Q. Do they have other storehouses? A. Yes, all over the city. Q. Where are their other storehouses? A. Store at 603 Greenwich Street. Q. Where is that? A. Corner of Clarkson Street; store at 384 West Eleventh Street. Q. Where is this on Eleventh Street? A. Alongside of the river front; store at 505 Washington Street; store at 525 Washington Street. Q. Whereabouts are they? A. They are up between Spring and Charlton Streets; store at 415 Washington; 41



Vesey Street; and often we store down on Greenwich on the corner; store corner of North Moore and Greenwich, and we store corner of Greenwich and Chambers; we store in 3 West Street; different stores, too numerous to mention, both east and west. 1471

Q. On the east and west sides of the city? A. Yes, sir. Q. And when you receive your goods where are they received from? A. We receive goods from Twenty-fifth Street, North River, all the ways around to the foot of Grand Street, East River, and sometimes a little higher; most all the piers.

Q. Do you receive from all lines of steamers and all lines of railroads? A. Off and on from all lines of steamers.

Q. Foreign steamers? A. Foreign and domestic steamers. Q. Where are deliveries made?

A. The same, together with the Cities of New York 1472 and Brooklyn and New Jersey; we deliver in the City of New York as high as One Hundredth Street; above One Hundredth Street we ship by Harlem boat.

Q. What, in your experience, is the value of Broadway as a means of trucking for your business? A. To the best of my knowledge it is the only trucking street we have got in New York to truck on that is of any service to us, because most of the other streets has got railroad tracks in them, and we want to shun them as much as possible; even the street we have got our store in, the only comfort we have got is the streets that haven't got a railroad track in.

Q. Which street is that? A. Hudson street and Reade Street and Duane.

Q. Three sides? A. Yes, sir. Q. What trouble do you find with railroad tracks in the streets where your 1473 business is carried on? A. We drive our trucks on the sidewalk, and block up the passenger traffic to accommodate the horse-cars.

Q. On West Broadway? A. Yes, sir; we have to do that to keep the street anywhere clear at all; we pay for the privilege of driving trucks on the walk, as I understand, to have a gutter plank to drive in on the sidewalk and unload; the passengers have either got to go around the trucks, or go up from the street and walk along on the platform.

Q. That is the way you carry on your business in West Broadway? A. Yes, sir; sometimes we back in some trucks; we unload five or six trucks at a time on that sidewalk; we have some on the sidewalk, and some we unload back from the curb, when a car can pass without

- 1474 blocking. Q. Do you use Broadway to any considerable extent in your business? A. Yes, sir; we use it every day. Q. The general character of your goods are heavy goods—heavy loads, are they not? A. Yes, sir; they are all kinds of goods, light and heavy, from a hogshead of molasses to a box of candles. Q. Do you bring any goods from bonded warehouses in Brooklyn? A. Yes, sir; every day. Q. How do you go from there to your store? A. When we get goods from Martin's Stores and Harbeck's Stores in Brooklyn, we cross Fulton and Wall Street Ferries, and from Fulton Street and Wall Street to Broadway, and Broadway to Reade, and sometimes Duane Street, and sometimes down Warren. Q. You take Broadway in your course, from
- 1475 Wall Street up? A. We get goods from South Ferry, and we come up Broadway from the Battery in the same direction, and when we cross Hamilton Ferry we do the same. Q. What is the general length of your trucks? A. Some ten feet six, single trucks; some of the double trucks is twelve feet; small trucks, and the rest is about fourteen feet six. Q. On the floor? A. Fourteen to fourteen feet six. Q. How far do these trucks extend out into the street when they are backed up close against the curb, and the horse is turned up and down the street? A. About the same length of the truck. Q. Whatever the length of the truck is the wheels will stand out—the front wheel stands out about as far as the tail of the truck reaches over the sidewalk?
- 1476 A. About the same; there may be a couple or three inches difference. Q. Have you, yourself, been a driver? A. Yes; I drove twelve years. Q. What, in your opinion, would be the effect upon the general travel upon Broadway, of placing a horse railroad, with a double track, from Fourteenth Street to the Battery, the outside rails being 15 feet apart, and the horse-cars running thereon in the usual manner. A. Well, I think it would affect it the same as it does Church Street, Greenwich Street or Washington Street; either of those streets. Q. How does it affect those streets? A. It blocks them up continually, pretty nearly; probably once in a day you could come down without being blocked ten to fifteen minutes; in fact when there is any business doing on the north side of the city, we don't think of going down town on either

of those streets ; we generally strike up into Broad- 1477  
way.

Q. Are those streets to-day more blocked than Broadway generally ? A. Yes. Q. What occasions the block in those streets ? A. The railroad cars blocks them ; when there is a truck backs in and blocks the cars, the cars blocks the rest of the trucks ; for instance, there is a great many stores in Washington Street ; if a truck backs in with a load, the car has got to wait until he gets unloaded, and the trucks have got to wait as long as the car does ; may be there might be a man standing there on one side, and a truck unloading, and that blocks the street up ; either on Greenwich or Washington Street, just the same. Q. Is there much blocking on West Broadway ? A. About the same thing, if 1478  
there is any trucks backed in ; more so, in fact, because there are more cars on West Broadway. Q. What parts of West Broadway are most blockaded ? A. From White Street down to Barclay Street ; that is taking in College Place and West Broadway, especially West Broadway and Chambers Street. Q. What effect has car tracks upon the use of Broadway as a place of travel, assuming that there were no cars on it at all ? A. The travel is much better without the cars. Q. Without the car tracks ? A. Yes, sir. Q. Why ? A. Because the carmen go along Broadway, and if there is one stops the other can get around, but if there is a railroad track there, if you attempt to go around it, the chances are your wheel would slide along the track, and hit some 1479  
one's truck and break it, and get bill of expenses. Q. What experience have you as to the breaking down of trucks by car tracks ? A. I see a great many trucks break down ; I believe it is through the fault of the car tracks, trying to get in and out with heavy loads ; I have seen three, I believe, inside of six weeks in front of my own place ; one of them was my own truck, with a good axle ; one was Moorehouse's truck, across the street from us ; the other gentleman I could not give you. Q. All within six weeks ? A. About. Q. And all in your neighborhood ? A. Right in one block ; there was another truck that broke down in College Place about a block below that at about the same time. Q. What effect has the breaking down of those trucks or any vehicle on the horse-car travel and cars ? A. I don't understand. Q. What effect has the breaking

- 1480 down of these trucks or of any vehicle on the horse-car travel and the cars? A. A considerable effect. Q. How? A. On the cars? Q. Yes. A. Every time you want to drive, if you are into the tracks, if you don't give a certain swing to get out, you are apt to break the axle; and I have seen horses' feet catch in the track, and almost ruined for five or six months. Q. What effect does the breaking down of a truck upon a car track have upon a car that is going by? A. The car has got to stop there; I saw, yesterday morning I believe it was, there was a meat truck broke down on West Broadway near Thomas Street; about one hundred cars stopped there; you could walk up to Canal Street, it seemed to me, on them, there were so many;
- 1481 many; there were some trucks standing there, and they did not move, and there were some coming down from Canal Street that had to stand until the route was clear; it delays the travel on the street. Q. Does it delay the travel across the street as well as north and south? A. Yes, sir; sometimes the cars will come along, and sometimes they will have to stop on cross streets; it has to stop there until it has a chance to go along, and it blocks the street; if there is a policeman on the block, he will generally clear the cross street, if he can. Q. Do you see much trucking to and from Fulton and Washington markets? A. Yes, sir; I see all of it, pretty near. Q. How early are you at your business? A. Seven o'clock. Q. Is there much of that market trucking
- 1482 takes place on Broadway? A. I could not say; I don't be in Broadway at that time; I have seen meat trucks and all kinds of trucks on Broadway; at that hour of the morning I don't generally be up there unless my business would bring me up there to cross Broadway or to go down Broadway. Q. What time of the day in your opinion is Broadway most crowded? A. I have seen it pretty well blocked up all the time, from about half-past seven in the morning or eight o'clock up to about half-past five o'clock in the evening.
- Q. What part of Broadway, in your opinion, is most crowded? A. From Canal Street to the Battery. Q. What season of the year do you use Broadway most for your business? A. I use it at all seasons; especially Winter season, when there is snow on the ground, we use it a little more than in other seasons, perhaps. Q. State in your opinion

whether the same number of horse-cars on Broad-<sup>1483</sup> way would cause more obstruction than the same number of omnibuses? A. The same number of horse-cars. Q. Would what; what about them? A. Would block it up more; for instance, if there was a truck broke down, or a man was unloading a truck, the cars would block up the street more than ten or twenty-five trucks would, because they all go around one another. Q. Do you own the trucks? A. No, sir; I do not. Q. They belong to the firm? A. They belong to the firm. Q. So their trucking is all carried on by the firm as a part of their business? A. Yes, sir.

*Cross-examined by Mr. Scribner :*

Q. Is it your opinion that the good of society at<sup>1484</sup> large requires Broadway to be confined to the use of trucks? A. No, sir; I don't think so; for the use of all kinds of vehicles—trucks and carriages. Q. You think that people who do not own grocery stores, or do not drive trucks, have still some rights in Broadway that truck-drivers are bound to respect? A. They have rights and so have the truck-drivers, because they pay for license. Q. What license do you pay for your truck? A. \$2.50 a year; a dollar for small trucks. Q. A dollar for small trucks and \$2.50 for large ones? A. Yes, sir. Q. Have you been increasing the size of your trucks of late years? A. Some of them we have; yes, sir; we used to have smaller trucks than we have now. Q. You could<sup>1485</sup> get along with small trucks now, could you not? A. No, sir; we think they are small enough when we have a big load to put on them. Q. Do you think all of your trucks ought to be 14½ feet long? A. Oh, no; they are not all that long. Q. You get along with trucks much smaller? A. Yes; we divide the work. Q. Do you get along with trucks that are less than 14½ feet long? A. We have to get along with them; we get along with wagons. Q. Thurber's store on West Broadway has existed for what length of time? A. About eleven years. Q. And the railroad tracks in West Broadway have existed for more than thirty years, have they not? A. Yes, sir. Q. They were there many years before it occurred to Mr. Thurber that that would be a good place to build a large, handsome grocery store, such as he has built, were they not? A. Yes, sir. Q.

1486 Long before Mr. Thurber built that handsome store on West Broadway the street cars of the Sixth Avenue line, and of the Eighth Avenue line, and of the Seventh Avenue line, and of the Broadway line, were running on West Broadway directly in front of that store? A. Yes, sir. Q. And they have been running there since? A. Yes, sir. Q. And carrying millions of people up through West Broadway and past that store, notwithstanding the existence of Mr. Thurber's store, and notwithstanding the existence of Mr. Thurber's trucks? A. Yes, sir. Q. And there are a great many grocery wagons that go to Mr. Thurber's store to receive and deliver goods that do not belong to Mr. Thurber, are they not? A. As many as he owns, and a good many more; we have three streets besides West Broadway to do business on. Q. So that you have managed to exist for the eleven years that that store has been constructed, and Mr. Thurber has managed to carry on an immense grocery business on West Broadway, notwithstanding the existence of the double railroad tracks in that street? A. Yes, sir. Q. And notwithstanding the running of the various and numerous cars that run through that street every day at regular intervals? A. Yes; but if Mr. Thurber—  
 1487 Q. Answer my question—that is all.

*Mr. Beaman:* Suppose you let him answer.

*Mr. Scribner:* You can re-examine him all the afternoon if you choose.

1488 Q. You have stated that you not only desire the use of Broadway and West Broadway for the use of Mr. Thurber's trucks, but you also occupy the whole sidewalk and exclude pedestrians? A. We have to do it to accommodate the railroad cars; we don't do it where there ain't any railroad track. Q. The railroad track was there before you were there? A. Yes; the avenue, too.

Q. You have spoken of Greenwich and Washington Streets, and you say they are blockaded? A. Yes, sir. Q. Frequently obstructed? A. Every day. Q. Is it the cars that obstruct them, or is it these numerous trucks that you have recently spoken of? A. The cars do it. Q. Do not the trucks do it at all; have they nothing to do with that obstruction? A. No, sir. Q. Nothing at all? A. They have not got half as much as the cars. Q. Have they anything to do with it? A. Yes, a part of it. Q. Is not a part of it due to unnecessary ex-

tension of the size of your trucks? A. No, sir. Q. 1489

You have seen trucks broken down where there were no railroad tracks in the street? A. Yes, some

few. Q. You have seen trucks broken down by reason of careless driving, where there were no rail-

road tracks? A. I don't know that I have; it might have been so. Q. Do you say that the same num-

ber of horse-cars would block up Broadway more than the same number of trucks? A. I do; in this

way— Q. Do you know of any horse-car that can compare in the surface of obstruction that it

affords to traffic with one of your 14½ feet trucks, with the long pole that you carry and the 10 feet or

more over which you spread your team? Do you know of any horse-car that will compare in obstruc-

tion with a vehicle of that kind? A. Yes, sir; in 1490 this way— Q. Do you say that a horse-car is

more of an obstruction in the street—I am speaking now disregarding the track—but do you say that an

ordinary two-horse-car is more of an obstruction in a street than one of your immense trucks, with your

horses harnessed in the way you do harness them sometimes, with a long yoke spreading them apart?

A. Not if they had wheels on, so that they could turn the same as trucks. Q. Disregarding the track,

and disregarding everything about the inability of the car to turn in and out, do you say that a horse-

car with the horses attached to it—an ordinary two-horse car—forms more of an obstruction to a street

than one of your two-horse vehicles 14½ feet long, and geared up the way you gear? A. Not on ac- 1491

count of the size of the car; it don't in the size or the space of the street it takes up; but— Q. Do

you not think that if there were tracks laid in Broadway, in the centre of the street only, 15 feet

from outside to outside, and two-horse cars were running thereon, and all the stages were withdrawn

from Broadway, that you would get along better with your trucks going up and down Broadway,

than you do now? A. No, I don't think we could get along half as well; I would not say it positively,

but I think I have a little recollection about it; I could not say very positively about it; but I be-

lieve about 19 or 20 years ago, probably it ain't that—but around about that time; the time the Grand

Street line started from the foot of Grand Street to Cortlandt Street—they came along through East

Broadway and Chatham through Park Row, and I

1492 believe they crossed Broadway into Fulton, and down Fulton into Washington and Washington into Cortlandt Street, and I believe it was so much blocked that the Common Council of the City of New York had the railroad company take away those cars because the people could not do business on Broadway. Q. Do you understand that to be any sort of answer to any question I have put to you? A. Yes, I am only just laying that down, what effect the cars would have on Broadway. Q. That is across Broadway; I am speaking about a railroad laid the length of Broadway, with the tracks in the centre of the street; do you not think that if there were double tracks there and the stages were all withdrawn, and the cars were confined to that beaten path that would be marked out by the outer rails, that your trucks would get along as well as they do now? A. No, sir; not as well.

Q. That is your opinion? A. Yes, sir. Q. Do you know that there are 210 stages running in Broadway south of Fourteenth Street? A. No, sir; I did not know the number. Q. You know that one car would do the work of half a dozen of those stages, do you not? A. They might carry more passengers. Q. That one car would carry as many passengers as half a dozen of those stages; that if there was only one car for every six of those stages, do you still think you would have more trouble in navigating your immense trucks through the streets than you do now? A. Yes, I do; and if 1494 you wish me, I will give you my reasons. Q. I do not care for your reasons; I have asked you a question and you have answered it; do you think double the number of stages running on Broadway would cause more obstruction? A. Yes, it would: the more trucks and stages there are running there, the more obstruction there is. Q. If tracks were laid in the centre of Broadway, and assuming that only fifty horse-cars were sufficient to do the work of the 210 stages now running, would you still think that the construction of the Broadway Surface Railroad would be a bad thing? A. I do, yes, sir. Q. You ride in the horse-cars sometimes, do you not? A. Yes, and in stages too, and on trucks. Q. And on what? A. On trucks, too. Q. Do you find the horse-cars a convenience when you want to go from place to place about town? A. When I want to go up town, I generally take the Elevated cars, and



find it more convenient by paying five cents extra. 1495

Q. In a street in which there is no Elevated railroad and there is a horse-car line, you find them a convenience, do you not? A. They are more convenient than walking, yes. Q. Independent of your interest in trucks, you would be willing to concede that the construction of a railroad on Broadway would facilitate public travel, would you not? A. Yes, sir. Q. You think that the people of Broadway who now go on foot would be pleased to see the railroad on Broadway, do you not? A. I don't know about their opinion at all. Q. You would, if you were on Broadway, and had no interest in trucks, regard the Broadway Railroad as a matter of convenience, would you not, to yourself? A. I would not if I had property there. Q. You would 1496 rather go on foot, would you? A. I would rather walk as it is, if there was plenty of horse-cars right close by, than have it on Broadway. Q. You would prefer to walk to the next street and get another railroad rather than to have the horse-car railroad on Broadway? A. If there was one there—if I had property on Broadway. Q. I am not asking about your having property; I am talking about you as being on Broadway just as you are—not an owner of property on Broadway, but desiring to get from the City Hall to Grace Church, for instance, and there was a horse-railroad track on Broadway, and cars ran there, you would consider it convenient, would you not? A. Certainly; I would not go a block out of the way to get another car. 1497

*By Mr. Beaman :*

Q. You have been asked about some of the trucks being larger; why do you have such large trucks? A. Because our business requires it. Q. You have been asked or you have said that there would be more trouble in having, say 50 cars on Broadway than there would to have 210 stages, and you said you could give the reasons if the counsel wanted them, but he did not want them; I would like to know the reasons? A. You take and put fifty cars on Broadway and put 500 stages on it, and other valises [vehicles] going up and down Broadway every day, and you would find that the fifty cars would block up Broadway more than the 500 stages, with the valises on it. Q. How does that happen? A.

- 1498 Because a car runs on a straight line and can't get one side or the other one inch, and if there is a man wants to stop with a wagon and deliver goods; that man has got to stop to get through with his business, and there is no truck can pass that car between that truck and the car track where it would be; Broadway ain't wide enough; the chance is, if you want to swing to go up on the up town track, and there is a car coming down, probably the truck will stop, and the first thing you know there will be a stop of five or six minutes, and there will be 50 or 100 in a bunch; you see it in every street where the cars are, just the very same; and in front of our store it is the same; you can see it in Washington Street and in West Street, and in all those streets
- 1499 where there are railroad cars, and business, and trucks and wagons going along; of course there is streets where there is railroad cars, where there is no business, that they do not block up.

Q. In your opinion would passengers go up Broadway any faster in the busy parts of the day in cars than in omnibuses; if there were horse-cars there? A. I don't see but that the other horse-cars could get up as fast. Q. Would the horse-cars take passengers up any faster than the omnibuses now do? A. I don't think they would; they would have to take their turn, and give a man a chance to get out of their way, and then it is just the same as any other street; I don't think they could go any faster.

1500

*By Mr. Scribner :*

Q. Do you know of any objection to a railroad on Broadway that does not apply to any other street? A. We object to all of them in all the streets; at least I do. Q. The truckmen would like to drive them out, but do you know any objection to a railroad on Broadway that does not apply to any business street? A. Yes, I do. Q. What is that? A. We object to a railroad in Broadway, and the carmen in general—at least me and every body like me—because it is the only street that we can drive a good load in. Q. I asked you if there is any objection that applies to Broadway that does not apply to any street where there is any railroad? A. No; I don't like railroads in any of those streets. Q. You would like to see them all torn up? A.

Above Fourteenth Street ; I don't want to see them 1501  
any further. Q. The truckmen of the city would  
like to have the streets below Fourteenth Street all  
to themselves ? A. All to themselves and to do  
business ; and the business and commerce of New  
York ought to have it that way too ; that is my  
opinion.

*By Mr. Fuller :*

Q. I will try to ask you a question that you can say  
yes or no to, so that we can make it very short ; I  
am very thankful to the lawyers that they do not  
interrupt me ; you truckmen are great enemies of  
the stages, are you not ? A. No sir, not any more  
than others. Q. You think they are far preferable 1502  
to cars ? A. We don't want the stages here ; we  
think we have enough business without stages ; I  
think we have trucks and business enough down  
town without the stages on Broadway even. Q.  
You say Greenwich Street and Washington Street  
are terribly crowded and blockaded ? A. Yes, sir.  
Q. And that the cars do it ? A. Yes. Q. Trucks  
have but very little to do with it, have they ? A.  
The trucks of course, come in amongst the cars, as  
I stated. Q. They have very much to do with it  
however ? A. Yes, they have a good deal to do  
with it ; both of them together. Q. Is there any  
blockading on Broadway now ? A. No, sir ; there  
is not ; they all keep moving ; you don't see Broad-  
way—I ain't seen Broadway when a truck could not 1503  
move one way or the other in ten years ; I didn't  
see it blocked five minutes without a truck moving,  
and I have seen the other streets as much as two and  
a half hours, some of them. Q. Have you been in  
Broadway lately ? A. I have been in Broadway  
pretty nearly every day for twenty years. Q. Be-  
low Chambers Street to Liberty Street ? A. Yes.  
Q. And you have not seen any block at the corner  
of Fulton Street ? A. Not to extent five minutes ;  
and I don't think anybody else has either. Q. I  
think a gentleman swore the other day, that he saw  
a block there for over an hour. A. I think he must  
not see right ; I have seen Broadway when they  
were putting sewers there, and there might be a  
block of five or six minutes ; they get in single file,  
and keep moving all the time ; I mean standing  
still, and not moving up or down. Q. Then it is not  
blocked much now ? A. It is crowded, but they

1504 keep moving up and down ; they get in some of these other streets, and they can't move one way or the other. Q. Could not horse-cars keep moving with the rest? A. They could if there was nothing in the way. Q. Do you think that horse-cars in Broadway, or any other street, are a public nuisance? A. They are a public nuisance to business; they are not a public nuisance to passengers. Q. We only want them for passengers; do you not think that having a cable road in Broadway, with a flat rail even with the surface of the pavement, and affording no obstruction whatever, with a car carrying one hundred people, three times as many as a stage, it would be a great improvement on the horse-cars? A. It would be still worse, I think ; if you carry a  
1505 hundred passengers, it would block the whole street up.

Q. If it was the same length as a horse-car and carried one hundred passengers, would it be worse? You think that a cable car the length of a horse-car carrying four times as many passengers would be a greater objection than the horse-car or stage, do you? A. I think it would because there might be times where if there was a team of horses attached to a car, it could swing one side and shorten that one-half. Q. But a cable car is no longer than a horse-car? A. I don't see where you could put so many passengers in it, if it was not longer. Q. We have double decks ; you say that trucks are often broken down on railroad tracks, and that it delays  
1506 your trucks for an hour or more? A. Yes, sir; sometimes. Q. Do you not think that a cable car coming along which was able to push that truck off the track, and go right on, would be a great public convenience? A. They would if they paid for a new one. Q. If they push the truck and meat, or whatever it was loaded with, and push them off, that would be a great convenience, would it not? A. The big dummy engine in St. John's Park could not do that without breaking all our springs and axles and everything. Q. If they paid for them it would be a great convenience? A. No, sir ; because of the delay ; the man would have to wait until he had a new one built.

*By Mr. Beaman :*

Q. Why is it that there are few blocks in Broadway? A. Because they all keep in motion; if a

stage stops to take up passengers, the trucks go<sup>1507</sup> right around them; if a car stops to pick up passengers, the cars would have to stop right behind them. Q. But Broadway is crowded? A. It is; pretty well all the time; about as much as there is room to get along. Q. Between what streets is it crowded? A. Oh, between Canal Street and the Battery. Q. You have never ridden on one of these cable roads? A. I never saw one. Q. So that you are hardly an expert for my friend Fuller? A. No, sir.

*By Mr. Scribner :*

Q. You have ridden on the horse-cars? A. Every day, pretty nearly; especially Sunday.

1508

JAMES CARMICHAEL, being duly sworn, deposes and says :

*By Mr. Beaman :*

Q. Where do you live? A. I live in 35 Cannon Street. Q. New York City? A. Yes, sir. Q. What is your business? A. I am a truckman. Q. How long have you been a truckman? A. About fifteen or sixteen years. Q. All in the City of New York? A. Yes, sir. Q. Where do you carry on your business? A. 8 and 10 Coenties Slip. Q. How many trucks do you employ? A. From four to seven, according to the business. A. What is your principal trucking? A. General merchandise. Q. That<sup>1509</sup> arrives in your vicinity? A. Yes, sir; all over the city and Brooklyn, too. Q. Do you truck many dry goods? A. Very seldom. Q. Hardware? A. Sometimes; yes. Q. What articles do you truck mostly? A. Well, I truck groceries and salt fish; general merchandise all through. Q. General merchandise all over the city? A. Yes, sir. Q. Where do you receive it generally? A. Pretty much all over the city; European steamers and up the North River and Brooklyn. Q. Where do you deliver? A. In stores generally. Q. Retail stores? A. Yes, sir. Q. Retail grocery stores mostly, I suppose? A. Retail stores; some groceries, and some of the stores that I deliver stuff in, peddle it out again; the grocer goes and buys. Q. To what extent in your business do you use Broadway? A. I use Broad-

1510 way generally—if I am pushed for a truck, I generally tell my men to go that way so that they won't be detained; I think it is the nearest and straightest way to deliver on both sides of the city. Q. You always use it when you are in a hurry? A. Yes, sir. Q. What, in your opinion would be the effect of placing on Broadway a horse railroad with a double track running from Fourteenth Street to the Battery, the outside rails being fifteen feet apart, and a line of cars running thereon? A. My opinion is it would be quite an obstruction to the thoroughfare in Broadway, in every capacity; that is my opinion. Q. Explain why you say so? A. In the first place, that is the only street we have got a pride in in this city, that there is not a railroad on; 1511 in the next place, that is the street that a man can make more time on in his carriage or in his light wagon, or on his truck loaded.

Q. What would be the effect of putting a horse-car track there? A. I cannot exactly say what the effect would be, but I think it would be quite a blockade; that is my opinion; the stages and omnibuses, of course, can get around any way at all; they can slip down one street and go around, if there is a sewer making or a blockade or a truck broken down or the like of that; they can move around from one block to another and take a side street, which I think a car could not do; I have never saw them doing it yet. Q. Your opinion is founded on such experience as you have had in trucking? A. Yes, 1512 I am just talking from experience. Q. Have you driven trucks yourself? A. Yes, I drove a truck for some six or seven years myself. Q. What part of Broadway have you found to be most crowded? A. Well, I generally found from—when I used to be driving myself, I generally found from Canal street down to about Wall; around the City Hall there. Q. What condition do you find that part of Broadway in? A. Sometimes I find it pretty troublesome to get through only for a few minutes at a time though, and at other times I can drive right through. Q. The horse is moving most all the time? A. Yes, pretty much all the time.

*Cross-examination by Mr. Scribner :*

Q. How long have you been in business, do you say? A. About fifteen or eighteen years; I could not say exactly to the year. Q. Do you agree with

some of the other witnesses who have been called 1513  
 here, that Broadway is not so crowded now as it  
 used to be? A. I do; yes, sir. Q. You think that  
 blockades on Broadway are much less frequent now  
 than they were some twenty years ago, do you not?  
 A. Well, twenty years ago I could not answer you;  
 that was before my time. Q. What time does your  
 knowledge of Broadway commence at? A. From  
 about fifteen or sixteen years ago; somewhere about  
 that neighborhood. Q. But blockades are now much  
 less frequent than they were fifteen or sixteen years  
 ago, are they not? A. I don't know; I think they  
 are less frequent. Q. Will you tell us if you can?  
 A. For some reason, I don't think the business is  
 quite so extensive as it was then, fifteen or sixteen  
 years ago. Q. Were there more stages running than 1514  
 now? A. Well, I believe there were. Q. The draw-  
 ing off of the stages tended to alleviate the obstruc-  
 tions on Broadway, did it not? A. I don't know  
 about that, exactly; a good deal that way; the busi-  
 ness has moved a little further up town, which  
 made the lower end of Broadway a little slacker. Q.  
 You do not think the lower part of Broadway is as  
 crowded now as it used to be? A. No, I do not think  
 it is quite so much traveled. Q. You are in the  
 habit of using street-cars, are you not? A. Once in  
 a while, yes. Q. You find them a convenience when  
 you do use them? A. Oh, yes; I would not take them  
 if I did not. Q. If there was a railroad on Broad-  
 way, and you were going from here to Grace Church,  
 you would regard it as a convenience to be able to 1515  
 get into one of the cars, would you not? A. Not if  
 there was an omnibus there; I think I would rather  
 go into the omnibus. Q. You are a little old-fash-  
 ioned and prefer to travel in omnibuses, do you? A.  
 Yes; I think I could go up faster that way, by  
 the omnibus. Q. What makes you think that?  
 A. In case a truck is broke down or the like of that,  
 the omnibus can go right around. Q. Do you not  
 know that the time of the street-cars is much less  
 from the Central Park down to the City Hall than  
 in one of the stages between the same points? A.  
 Oh, yes; I guess they are, where they have a clear  
 run. Q. Wherever they run through the street of  
 the city they get along faster, ordinarily, than the  
 stages do on the same route, do they not? A. I  
 don't know; I came down on one of the Seventh  
 Avenue cars from Eighth Street, and I could have

1516 walked down a great deal faster than I came in the cars. Q. That was because it got obstructed? A. Yes. Q. You have come down on the Seventh Avenue cars when they come a great deal faster than you could walk, have you not? A. I believe I have, but I don't recollect exactly, because it is a line I don't ride very often on.

Q. Ordinarily you would not get into a street-car unless you expected to get along faster than you could walk? A. Certainly not, excepting I was very tired. Q. Do you know that there are 210 stages running on Broadway at the present time? A. I don't know exactly the number. Q. Whatever you do know on that subject, you know that the stages contribute to the obstruction and confusion on  
1517 Broadway, whenever there is any blockade or obstruction, do you not? A. I do not think there is as much obstruction as two lines of cars would be there. Q. I didn't ask you that; I asked you whether you were willing to acknowledge that 210 stages, assuming that so many do exist, running between Fourteenth Street and the Battery, contribute to whatever confusion or obstruction exists on Broadway? A. No, sir; I do not. Q. You do not think they contribute at all? A. They contribute a little to it. Q. A very little, do you mean? A. A little. Q. A very little? A. They don't contribute any more disturbance than a truck or carriage; every one has a right of way. Q. Is it your opinion that a stage is an obstruction equal to that  
1518 of a big truck? A. I don't say it is. Q. You think a big truck obstructs the street more than a stage does? A. Yes; a heavy, loaded truck does. Q. It obstructs the street more than a stage does? A. Yes, if it is very heavily loaded. Q. Would 210 stages make any difference between Fourteenth Street and the Battery on Broadway? A. Oh, certainly it would. Q. Then 210 stages would make some difference, would they not? A. Yes, it would make a little difference. Q. But is it your opinion now that 210 stages contribute very much to the confusion? A. Very little, because they have got into the ways of the truckmen now, and the truckmen have got into their ways, and they are so accommodating to one another that they run around one another to give each one a chance. Q. I will ask you a question that I put to some other of the witnesses—if 50 cars could be made to do the work that



is now done by 210 stages, would you still think that 1519 the construction and operation of a railroad on Broadway, assuming that the 50 cars would drive out the 210 stages, would tend to encumber the street more than it is now? A. Yes, that is my experience. Q. Do you agree with the sentiment expressed by the last witness, that Manhattan Island south of Fourteenth Street ought to be given up entirely to truckmen? A. What is that? Q. Do you agree with the sentiment expressed by the last witness that Manhattan Island south of Fourteenth Street ought to be given up entirely to truckmen? A. Well, no; I don't agree with that, according to my fancy. Q. You think that pedestrians have some rights as well as truckmen? A. I think so. Q. And you have no doubt but that pedestrians 1520 would be accommodated by the railroad on Broadway? A. No. I do not. Q. Do you mean by that that it would be more of an accommodation to them to go afoot than to ride in the nice, comfortable palace cars such as we expect to run on Broadway?

*Mr. Beaman: Sleeping-cars?*

A. I don't know; I think a man that is in any kind of a hurry to get home could walk it as fast as the cars could take him on Broadway. Q. If he was a real good walker? A. If he was a medium walker. Q. He could walk as fast as the cars could take him? A. Yes. Q. With the obstructions that you truckmen would try to put in the way of the cars, and in the case of an accident; A. We never try to put anything in the way of the cars; they think 1521 that they own the city. Q. It is not the horse-car companies that own the city; it is the truckmen? A. No, it is the horse-cars. Q. Suppose the double tracks were so laid in the centre of the street, as to allow a free passage on either side for tracks up and down Broadway, would you still think that the cars would tend to encumber the street more than the stages do now? A. I think they would; if you laid down a track there I suppose you would have it 3 to 8 inches higher in the centre, as the others are, to keep the dirt and slush away; and then away go the trucks, sliding right into the curb-stones, as it is an everyday occurrence now. Q. Suppose the grade was not changed at all; do you say it is an everyday occurrence for a truck to slide to a curb on Broadway? A. Not on Broadway, but on the streets where the cars are.

- 1522 Q. Suppose the grade was not changed? A. I never saw it where it was not; first off it may not be much, but the next year they put it an inch or more up, and then a little more, and then an inch or two more, until they have it four inches or six inches or a foot high, and then the trucks slide down to the curb. Q. Is that testimony of yours as to the raising of the grade a foot as accurate as your other testimony? A. Similar. Q. You mean that it is all an exaggeration? A. Somewhat similar.

*By Mr. Beaman :*

- Q. Do you mean that your testimony has been exaggerated? A. No, I do not. Q. Have you not in this testimony here in all cases testified to what you  
1523 believe to be the truth, and given your opinion exactly about it? A. Yes, sir. Q. You stated that you came down on the Seventh Avenue road to-day, and that you could have come faster if you had walked; where was the delay? A. I was delayed coming around Washington Market. Q. What delayed you? A. Butchers' carts, and the men moving from the market too. Q. That stopped the cars coming up? A. Yes, sir.

*By Mr. Scribner :*

- Q. Won't you tell me where the Seventh Avenue Railroad touches Washington Market? A. It comes down past Washington Market to Fulton Street;  
1524 but I think it is the Ninth Avenue. Q. Was it the Seventh? A. Either the Seventh or the Ninth; it goes up Fulton Street. Q. Did you get up straight enough this morning to know whether you came down on the Seventh or the Ninth Avenue line? A. I thought it was the Ninth; I made a mistake. Q. When you were talking about the Seventh Avenue car, you meant the Ninth Avenue car? A. I can't tell you yet whether it is the Seventh or Ninth.

*By Mr. Beaman :*

Q. Where did you take the car? A. I took it at the corner of Leroy and Washington Streets.

*Mr. Scribner :* Then I will inform you that you did not take the Seventh Avenue car at any such place. Q. You did not take it on either avenue. A. No, sir. Q. Where did you leave it? A. I left it at the corner of Fulton Street and Broadway.

*Mr. Fuller :* That is the Ninth Avenue car. 1525

*The Witness :* I could not tell you, upon my word.

*Mr. Beaman :* He has probably got up and kept as straight as anybody here.

*The Witness :* I knew that was the destination, but I could not say whether it was the Ninth or Seventh Avenue car.

*By Mr. Fuller :*

Q. What color was it? A. Red and yellow. Q. How long have you lived in New York? A. Twenty-nine years. Q. Have you ever known a railroad to raise a grade four inches or six inches or a foot in the City of New York? A. I think I have. Q. Do you know. A. I think I have. Q. Don't you know 1526  
that a railroad is not allowed to raise the grade or alter a grade at all, in any street? A. I know they are not allowed to do a great many things, but still they do them. Q. Do you know of your own knowledge that they have ever raised the grade in any street in New York one inch? A. Yes, raised the centre of the street for a railway. Q. Where? A. Down in South Street, where I ride every day, pretty much. Q. Between what streets? A. I could not exactly tell you between what streets; I think around Catharine Ferry, and the foot of Chambers Street, it has been raised a good deal; I could not say positive, but I think that is so.

1527

*By Mr. Fuller :*

Q. Do you truckmen ever drive on the rail of the railroads or horse-car tracks? A. Yes, sir; sometimes. Q. When the streets are slippery and there is snow on the ground? A. Yes, sometimes. Q. So you have found them a great convenience, sometimes? A. Sometimes.

Adjourned to Wednesday, February 4, 1885, at 1 o'clock P. M.

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NEW YORK, February 4, 1885.

JOHN H. AIKENS, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

1528 *By Mr. Beaman :*

- Q. Mr. Aikens, where do you live? A. 297 Seventeenth Street, South Brooklyn. Q. What is your business? A. A carman. Q. And where do you have a stand? A. No. 2, Coenties Slip. Q. How long have you been a carman? A. Well, I have been in the carting business sixteen years next June. Q. Have you driven yourself? A. Yes, I drove for seven years. Q. How many trucks do you now own and drive? A. I run ten, steady, every day, sir, except holidays. Q. And what general trucking are you engaged in? A. Well, principally fruit—dried fruit—and canned fruits. Q. Arriving by steamers from elsewhere? A. Yes, sir; by steamers and railroads. Q. Most of your work is carting in from vessels? A. The principal part of it is from foreign steamers, on the west side of the city. Q. Where are most of your deliveries? A. Well, to all the principal railroads—St. John's Park; Pier 4, East River; Pier 8, East River; Pier 21, North River, and also Western railroads. Q. You deliver directly from the steamers to the railroads? A. Well, not at all times, we don't; sometimes we ride in store; when we ride to any store, we generally ride in to 76 and 98 and 100 Pearl Street. Q. What are those stores? A. Those are the stores of the firm I work for most—98 and 100, and the other is O. B. Miller. Q. And they are dealers in fruits? A. Yes, sir. Q. As I understand your business, it is principally taking fruit from steamers to various places in the city, and also the taking of fruit from steamers to the various delivering places in the city. A. Well, I ride a great many canned goods that come in on the West Shore, that are exported principally. Q. That you deliver where? A. To the steamers going out. Q. Is much of that delivery above Fourteenth Street, in this city? A. No, sir; I don't have two loads a week on an average above Fourteenth Street. Q. Above Fourteenth Street? A. No, sir, I do not. Q. Much above Canal Street? A. Well, from Canal it generally runs from the State line up to the White Star, which is the other side of Christopher Street. Q. To what extent do you use Broadway in your business? A. Well, when I am riding from the steamers in store, I tell all my men,

1530

to go up Canal Street, and to come down the farm 1531  
since—— Q. Come down to where? A. What

we call the "farm"—West Street has been widened  
down there—and to come down there, and strike  
into Canal Street, and to go through Canal Street,  
into Broadway, and then down Broadway all the  
way; that is the route I give them; and in riding  
from Pier 5 up to the steamers, that they come  
around by the way of the Battery, and go up  
Broadway all the way to Canal Street and down  
Canal Street, to whatever pier they are going to,  
whether it is the State line or the Inman line or the  
National line or the Ounard line, or any of those  
lines. Q. That is, from the Battery to Canal  
Street, you use Broadway in your business a great 1532  
deal? A. Yes, sir; use it altogether; when we

have heavy loads we never go to West Street—with  
full loads we go to Broadway—with heavy loads—  
and we always take the best road, even if it is four  
or five blocks difference. Q. Why do you use  
Broadway so much as you do? A. It is the best  
paved street we have, and it is easier on the horses,  
and there are no railroad tracks there to be stopping  
and starting all the time, and we always keep  
moving all the while, as a general thing. Q. What  
is the general condition of Broadway as to crowds?  
what is the most crowded time of the day on Broad-  
way for vehicles? A. Well, I don't know; I have  
always called it marketing day before; on market  
day, it is generally the only time on Broadway in  
the afternoon, between three or four o'clock or to 1533  
quarter past four, that Broadway is crowded; I have  
never seen Broadway crowded to any extent.

Q. What do you mean by market days? A. Well,  
when these marketmen are coming and going to  
Washington Market. Q. What do you call the  
market days? A. Well, Friday. Q. That is, you  
think it is crowded most on Friday afternoon or Sat-  
urday? A. Friday afternoon. Q. When they are  
getting ready for the Monday market? A. No, are  
getting ready for Saturday. Q. Is Broadway used  
to a considerable extent by these market men that  
bring in loads? A. Well, I don't know that it is;  
but coming from the market with these wagons, and  
one thing or another like that, they cannot block it  
up. Q. Then your judgment is that Friday is the

- 1534 most busy day there? A. Yes, sir. Q. What time of day? A. Well, from two to half-past two to four o'clock. Q. Are you much yourself driving through Broadway now? A. Every day now; I drive a gig horse, of course. Q. That is to see what your men are doing? A. Yes, sir. Q. What, in your opinion, would be the effect on Broadway, so far as the travel of trucks is concerned, by placing on it a double track—a double horse-car track, with cars running, and the width between the cars, when they pass each other, being 18 feet across? A. Well, I think it would be impossible for trucks to go up and down, almost, there, because where they go up and down now they can go there three abreast up and three abreast down, and if they had a railroad track they would have but one truck going up, and one going down; it would only be one line of trucks going up, because on the side of the gutter there is always some trucks stopping, and it would make only one line, where now you can have three lines going up and three coming down, which makes six abreast. Q. You can now, as I understand you, find room enough, in most parts of Broadway certainly, for six trucks to be moving at the same time: A. Yes, sir; and in some places there is room for seven. Q. If the car is there, going along within 12 feet of the curb, or 11 feet of the curb, how many trucks could go between the car and the curb? A. If there was 11 feet space? Q. Yes. A. Well, only one truck could go. Q. Suppose there were 12 feet? A. Well, two trucks could pass, probably; but they would have to be narrower trucks to pass. Q. That is, the hubs might pass each other in 12 feet? A. Yes, sir; two ordinary trucks, however, could not pass one another in 12 feet. Q. Could not pass one another ordinarily in 12 feet space? A. No, sir, not ordinary trucks. Q. Then if there is one truck on the side of the street close up to the curb anywhere, and a car is coming along, a truck could not pass, as I understand you, between the car and the truck? A. No, if he has only got 12 feet, he can't. Q. Then, if I understand you, there being a double track railroad on Broadway, the effect of two cars being there, and taking up 18 feet in the middle would be, as you understand it, that there would be only room for one truck on each side of

the car; is that it? A. Yes, sir. Q. One truck to 1537  
 pass, assuming that there are no more than 12 feet  
 between the car and the curb? A. Yes, sir; well,  
 one truck could only go; two trucks could not go in  
 12 feet, because the truck is almost 8 feet wide;  
 that is the regular city trucks. Q. Eight feet from  
 hub to hub? A. Yes, sir, 8 feet from hub to hub;  
 almost 8 feet. Q. It is more than 7 feet, anyway,  
 isn't it? A. Yes, sir, it is. Q. Then they cannot  
 go at all—that is, two of them? A. No, sir, unless  
 you might happen to run a narrow truck that fits the  
 railroad track; there are several of those trucks  
 running. Q. Two ordinary trucks cannot go along  
 side by side in less than 14 feet, as I understand you?  
 A. No, sir, they cannot go in 14 feet; not in less 1538  
 than 15 feet they cannot go. Q. Then this effect  
 that you speak of would accomplish this result, if I  
 understand you; that now, there can say five or six,  
 or at least 5, trucks pass along side of each other in  
 Broadway? A. Yes, sir. Q. That if you have a  
 horse railroad, and if those horse-cars are opposite  
 each other, in the place where they are passing each  
 other, there is room only on either side for one  
 truck? A. That is all. Q. That is, if I understand  
 you. A. Yes, sir.

Q. What effect would it have generally in causing  
 blockades in the street? A. Well, if you had a rail-  
 road track there, why, as a general thing, these  
 drivers would always hang into the track and fol- 1539  
 low this track; and if a car stops for a passenger to  
 get in or out, that will stop the truck behind it and  
 stop all the trucks behind this truck, and it will take,  
 well, I don't know how long it will take, I never  
 timed them, perhaps twenty or twenty-five seconds  
 to get into a car; of course, on a crowded street like  
 that, a passenger won't make a move to a car until  
 the car is actually stopped; and then, if there is a  
 woman, she will start off from the sidewalk to get  
 into the car; and then the trucks, some of them will  
 be heavily loaded, and they will be stopped, and  
 when they try to start may have some difficulty,  
 and the horses may have poor shoes on them and  
 may slip, and it may perhaps take a minute or two,  
 perhaps five, before the drivers can start a team with  
 loads on them from three to four ton; nowadays I  
 don't think anything is loaded less than four tons on

- 1540 a load. Q. With two horses? A. Yes, sir; with two horses. Q. What effect will this all generally have on the street? A. That will create a block, and a five minutes' block will take two hours to get clear of it on Broadway; I have seen it myself when a bridge was on Broadway, when it was not five minutes blocked, and it has often taken two hours to get rid of it. Q. The blockades on Broadway, what effect do they have on side streets—trucks trying to cross Broadway? A. Well, it is almost impossible to cross Broadway if it is blocked; you will have to wait there, and that will block up the other streets to a certain extent. Q. Which, in your opinion, would cause the most blockading on Broadway, say two hundred horse-cars or two hundred omnibuses? 1541 A. Two hundred horse-cars? Q. Yes, or two hundred omnibuses? A. Well, I think the horse-cars would, no doubt. Q. Why? A. Why, they run on one rail; they cannot get around the trucks in the same way the omnibuses can; and then, if there is a block in Broadway, the omnibuses can go down the next street and come up again; they can go down Church Street, for instance, or go down Nassau Street, or any of those side streets. Q. Taking Broadway as it is, with the travel on it as it is day by day, which, in your judgment, would go faster from the battery to Fourteenth Street, an omnibus or a horse-car? A. Why, the omnibus would, certainly. Q. Do you remember passing down Broadway with me after the last hearing in this case? 1542 A. Yes, I do. Q. Do you remember noticing a broken-down truck in Broadway? A. Yes, sir, he broke his axle. Q. Just state what you saw there. A. Well, there was a truck there standing with twenty-five barrels of flour on it, and he moved along and an axle broke—trost got into his axle, as he claimed, and broke it; he stayed there half an hour; it was just about where the track would be. Q. Where was this where you saw it on Broadway? A. Between Maiden Lane and Liberty Street. Q. What was— A. No, between Maiden Lane and John Street. Q. What were they doing with his load? A. Well, they were unloading it and putting it on another truck, and then they had to put a skid on his truck to slide him away. Q. What



effect would such an accident as that on Broadway 1543  
 have on horse-car travel? A. Well, it would block  
 the street all up for the balance of the afternoon;  
 as I said before, five minutes blockade will some-  
 times take two hours to straighten out. Q. What  
 was the effect of the travel on either side so far as  
 it was carried on in omnibuses? A. If they couldn't  
 go on the right of him they went on the left of him,  
 went around him; the other day we had another  
 break-down there at the corner of Liberty Street,  
 although that didn't take so long; the machine men  
 got a jack and put it under the truck and raised it.

Q. What kind of a truck was that? A. It was a  
 flour truck and had twenty-five barrels of flour on it.  
 Q. Did you see this last break-down? A. No, sir; 1544  
 one of my drivers was telling me about it. Q. Are  
 breaks of this kind frequent on Broadway? A. Yes,  
 I guess you can call it one a day; one every day,  
 take it from Prince Street down to the Battery.  
 Q. Which do you claim is the most crowded part  
 of Broadway? A. Well, I don't know; from Liberty  
 Street up to about the Herald Building, I should  
 think; that is where I have always found the most  
 difficulty.

*Cross examination by Mr. Bright :*

Q. Do you ever deliver fruit on Broadway? A.  
 No, sir. Q. And of course you never deliver fruit  
 in Broadway below Chambers Street, or below 1545  
 Canal Street? A. To the store-houses, you mean?  
 Q. You never deliver fruit on Broadway below  
 Chambers Street or Canal Street? A. No, sir; I  
 do not. Q. Nevertheless, you yourself resort to  
 Broadway with your trucks and direct your drivers  
 to do so? A. Yes, sir. Q. Even when it is further  
 to reach your destination by Broadway than by  
 some other route? A. Yes, sir. Q. That is so, is  
 it? A. Yes, sir, it is. Q. And your reason for it is  
 that Broadway is a smoother pavement? A. Best  
 pavement, easiest for horses. Q. And has no rails.  
 A. Well, it is—— Q. One moment; is that one  
 of the reasons - the absence of rails or the smooth  
 pavement? A. Well, both the smooth pavement  
 and no rails. Q. Is the fact that the pavement is  
 smooth, the principal reason? A. Well, yes it is.  
 Q. You do business in streets where there are rail-

- 1546 roads, do you not? A. Yes, sir. Q. You go through those streets with heavy loads? A. I do when I can't help myself—when I can't go on any other street. Q. You do it frequently, do you not? A. Yes, sir. Q. Is it true, so far as your knowledge goes, that all persons who pursue the occupation in which you are engaged, get to Broadway whenever they can? A. How is that, I didn't understand you. (Question repeated.) A. Yes, take that as a general street—as a street for going and coming. Q. On these market days that you speak of, when Broadway is thronged with the wagons of grocery men—that is owing to the fact that all these grocery men get into Broadway instead of taking the side streets, is it not? A. Well, as far as I spoke of the block, they cannot block it in crossing, because they only cross— Q. Don't they travel in Broadway? A. Well, they come up Fulton and Dey Street, and perhaps some are going to the east side and perhaps some way up-town. Q. Do you mean to say then that the block in Broadway on market days is from grocery men traveling up and down Broadway, or merely from crossing it? A. Merely from crossing it, and it has a little help to block it of course; of course I don't say they do it altogether. Q. Do grocery men travel up and down Broadway on market days? A. Well, I couldn't say whether they do not; they come up Dey Street and up Fulton Street, and cross over. Q. In the answer you made to Mr. Beaman, when you spoke of Broadway being peculiarly crowded on market days from the presence of grocery men, did you refer merely to their crossing Broadway, or to their traveling in it? A. Crossing Broadway. Q. Nothing else? A. Nothing else; no, sir. Q. Do you ever see grocery men traveling in Broadway? A. Well, I do from the Fulton Ferries up. Q. In Broadway? A. Yes, sir. Q. Do you see scavengers and dirt carts traveling there? A. Yes, I do. Q. Grease and swill carts? A. No, sir, I never notice any grease carts; I suppose they do it though. Q. Is it your judgment that all the other classes that I have named travel in Broadway whenever they can, just as you do? A. Yes, I suppose they do. Q. Do you avoid the narrow streets east and west of Broadway, and running parallel to it—substantially parallel to it—in part

because the pavements are imperfect? A. Yes, and 1549  
 a good many of them has railroad tracks in. Q. Yes,  
 but only answer the question that I put; in part, be-  
 cause the pavements are imperfect? A. Yes, sir.  
 Q. Is it the fact that you have reason to complain  
 that the pavements of the side streets are in perfect  
 condition and repair? A. Yes, I have; some of the  
 streets. Q. And it is that want of repair that is one  
 of the reasons why you shun those streets? A.  
 Well— Q. Answer that question, if you can; if  
 it admits of an answer yes or no, I want it; is it the  
 fact—

(Question repeated). A. Well, I want to say—  
 Q. I want an answer to that, without any explana-  
 tion, if you can give it; is it the want of repair to 1550  
 the pavements that is one of the reasons why you  
 shun those side streets? A. It is not; no, sir. Q.  
 What are the reasons? A. Well—what are the rea-  
 sons? Q. Yes. A. On the west side there is a track  
 in West Street where my principal business is, and  
 Washington Street has a track, and in Greenwich  
 Street there is a track. Q. What is the condition of  
 the pavements in those west streets? A. Well, I  
 don't know; they are about as good as I ever saw  
 them, except when they were first re-paved by the  
 Belgian pavement; they are better now than before  
 we used to have cobble stones. Q. Are they  
 good now or bad? A. I cannot say that they are  
 bad or that they are good; of course there are some  
 places where there are hollows in West Street? Q. 1551  
 Do you shun West Street on account of the holes in  
 the pavement there? A. Well, I don't know whether  
 it is the pavements or what it is; I know I don't go  
 West Street with my trucks; I send them all to  
 Broadway when I am riding from down-town, as I  
 said before. Q. Do you send them to Broadway  
 whether they are loaded or unloaded? A. When  
 they are light I tell them to take the nearest cut.  
 Q. Then you are perfectly willing that they should  
 take the railroad streets when they are light? A.  
 They may use their own judgment about that. Q.  
 How large are your trucks? A. Well, I have got some  
 of twelve feet, some of ten feet, some of ten feet six  
 inches, some of twelve feet, some of thirteen feet,  
 some of fourteen feet, and some of fourteen feet six.  
 Q. How long have you been using fourteen feet trucks?

- 1552 A. Since 1869 - '69 or '70. Q. Have you ever seen any trucks having loads of flour on them break down excepting the two instances you speak of? A. Have I? Q. Yes. A. Yes, sir. Q. How many times? A. Dozens of times. Q. In different streets? A. Yes, sir. Q. How many barrels do you say were on those trucks? A. 25 barrels of flour. Q. 25 barrels of flour would be more than two tons, wouldn't it? A. Yes, sir; it would be over; two tons and a half - about two tons and a half. Q. And the truck weighs how much? A. I should judge about 3,900 to 4,000 pounds. Q. 4,000 pounds—that is two tons more? A. Yes, sir. Q. Then there is a load of four tons and a half—isn't that so? A. Well, I don't know how you count it; the carmen generally count the weight of the
- 1553 load only; when you ride a load and put on three ton or four ton, they don't count the weight of the truck in the amount. Q. Nevertheless, although they don't count it, it is true that a truck weighs about 4,000 pounds? A. Yes, sir, about; that is about what the actual weight of it is. Q. Humanitarians might possibly wish to count that, and if they should insist upon counting it it would make the load about four tons and a half for two horses to undertake to move, wouldn't it? A. I suppose it would be with twenty-five barrels of flour, about four tons and a half. Q. Is that the usual load among truckmen—two tons and a half, in addition to the truck? A. No, sir, it is not; the usual load
- 1554 is about three to four tons, without the weight of the truck. Q. Three to four tons without the weight of the truck? A. Yes, sir. Q. If you have a load of four tons, besides the truck of two tons, your two horses have six tons to pull? A. About that. Q. And you are very anxious to get upon a smooth pavement when you have a load of that kind and two horses, I suppose? A. Yes, sir. Q. And you would regard it a great hardship if you couldn't have the best and smoothest streets for that purpose? A. Well, we try to pick out the smoothest streets when we are loaded. Q. At all events, with a load of that kind you find that it is necessary to avoid even the slightest obstructions? A. Oh, I don't know; a good team of horses can pull that kind of load of four tons in any reasonable street in the City of New York—a good team. Q. With such

a load as that you would not wish even to cross a 1555 railroad track, would you? A. Oh, four tons wouldn't stop a team from crossing a railroad track—a good team; if you had a good team you wouldn't mind that.

Q. One of your principal reasons in getting to Broadway with your load is to escape a railroad track, is it not? A. Yes, sir; it is. Q. And you feel it necessary, in order to prosecute your business, with such loads, to go into a street where there is no railroad track? A. Yes, sir. Q. Isn't that your whole argument, then? A. Yes, sir; I don't want to go on no railroad track when I have got a heavy load. Q. Then your whole argument is that with a heavy load it is indispensable that you should avoid the obstructions of a railroad track? A. Yes, 1556 sir. Q. You have how many trucks? A. Ten trucks. Q. How many of those are these vast concerns that you have described, fourteen feet long? A. Well, there are three 14 feet long, and one 14 feet 6; four large ones. Q. And the rest are how large? A. Well, there are three 12 feet, and one 13 feet or 13 feet 6, and from that down to 10 feet single trucks. Q. And the single trucks are what? A. Ten feet long—single trucks. Q. How many horses do you use in a ten-foot truck? A. One horse. Q. How big a load do you wander him with? A. Well, about 3,000. Q. 3,000? A. Yes, from that to 33 to 3,500. Q. 3,500? A. Yes, sir. Q. Very near two tons with a single horse? A. Yes, sir. Q. And the 1557 truck there you don't count, of course? A. We don't count it in the weight, no, sir. Q. How much does it happen to weigh nevertheless? A. From 17 to 1,900 pounds? Q. Very close upon a ton, is it not? A. Yes, sir. Q. It would be very merciful to this poor horse of yours with that load always to get in Broadway, wouldn't it? A. I don't know; they don't have any trouble; 3,500, as I said before, is no load on a good horse in the City of New York. Q. You never think of having more than two horses to one of your loads? A. No, sir, unless there is snow on the ground. Q. What? A. If there is snow on the ground we put four horses in. Q. This load of twenty-five barrels of flour that happened to be broken down in Broadway—was there any obstruction there that caused the break? A. No, not as I

- 1558 know of. Q. Did that truckman happen to be on the right side of the street, or in the middle of it? A. Well, he was on what you call his own side of the street—on the right-hand side going up. Q. Was he nevertheless in a position that he would have obstructed a car? A. Yes, sir; he was in a position where a car could not pass him. Q. If he had been considerate enough to see the car coming, if there had been a car there, and had been on the side of the street, the obstruction to travel would not have occurred that you have depicted to Mr. Beaman, would it? A. If he had been on the tracks—
- 1559 Q. No, no; that was not my question; if he had been traveling on the right side of the street, as he should have been, so that the car might pass, and the truck had broken down, there would have been no such obstruction to travel as you have described? A. Well, he cannot— Q. Answer that question, whether he would have been such obstruction as you have described to Mr. Beaman? A. He wouldn't have had room to travel there because there were three coaches standing alongside of the gutter. Q. Coaches standing alongside of the gutter? A. Yes, sir; and he would not have had an opportunity to drive inside of the track. Q. Were they livery coaches or hacks? A. I don't know what they were; there were two horses to each one. Q. You mean carriages of some sort? A. Yes, sir; carriages. Q. So, that if the rights of those cabmen to stand there in the street is superior to the rights of the people desiring cars to travel in, there would be no way of having trucks break down except in the tracks? A. I don't know. Q. If it is the inalienable right of the hackmen to be where they are, and the truckmen have the privilege of traveling irrespective of passengers, then it would follow that there cannot, of course, be any railroad in Broadway, wouldn't it; isn't that your judgment? A. Well, yes. Q. That is about your argument here, is it not? A. Yes, sir. Q. How wide a spread can your teams make? A. With a fourteen-foot truck? Q. From head to head, when they are pulling. A. From the top of the pole to the head of the truck? Q. No, sir; from the nose of the one horse to the nose of the other. A. How? Q. From the nose of one

horse to the nose of the other horse. A. Well, 1561  
twenty-four feet—from that to twenty-five.

Q. You misunderstand me? A. Oh, do you mean  
between the horses? Q. You misunderstand me;  
when your horses are pulling, what is the distance  
from the head of one horse to the head of the other;  
how far do they spread? A. That depends a good  
deal how you drive them; whether you drive them  
with the spreaders or don't drive them with the  
spreaders. Q. And if you spread as much as you  
sometimes do, how much would it be; 12 feet?  
A. No, sir. Q. About how much? A. You mean  
the horses going in the centre—from the centre of  
one horse to the centre of the other horse?

*Mr. Fuller:* These gentlemen are not drivers. 1562  
How far are the heads of your horses apart? A.  
About 4 feet.

*By Mr. Beaman:*

Q. Don't you think the horse-cars on Broadway  
would have a very nice time if there were no vehi-  
cles on Broadway but horse-cars? A. Yes, sir. Q.  
You object to them because there is so much other  
business on Broadway—so much other traveling?  
A. Yes, sir. Q. And your idea about truckmen's  
rights or cabmen's rights on Broadway is that they  
have a right to go up and down there; isn't that it?  
A. Yes, sir. Q. That is what you thought? A. 1563  
Yes, sir. Q. And a cabman has a right to stop his  
cab and let his passenger out and wait while he is  
doing an errand; that is the way you understand  
it? A. Yes, sir; that is the way I understand it.  
Q. The loads you bring up Broadway, as I under-  
stand, you take along Canal Street where there are  
tracks and deliver them at the various points where  
there are steamers? A. Yes, sir. Q. So those loads you  
could carry on streets where there are tracks? A.  
Yes, sir; we only take this street to save the horses  
and to save the wear and tear on the truck. Q.  
And as the most convenient street for your purpose  
as you understand it? A. Yes, sir. Q. There is no  
reason that you have for using Broadway except  
that, as it is to-day, it is the best place for you to  
ride loads in? A. It is the best street in the city  
that we have got for driving loads going up either

1564 to the east or west side. Q. And you do that to save time and to save your horses? A. Yes, sir. Q. How far apart are the noses or heads of your horses as they ordinarily are when you are drawing a load? A. Well, they are about 4 feet apart—from  $3\frac{1}{2}$  to 4 feet apart. Q. The horses stand inside of the lines of the hubs, don't they? A. Yes, sir; inside of the lines of the hubs. Q. That is, if there are 8 feet between the extremes of the hubs, the horses are not so far apart as those hubs? A. No, sir; they are not. Q. So that any place that the hubs can go through the horses can go through, can't they? A. Yes, sir.

1565 *By Mr. Bright :*

Q. If there was a railroad in Broadway would you have to carry smaller loads than you do? A. No, sir; I don't think we would; we would have to put up with it, that is all, and have to go along as best we could, and we would be more benefit to the horse-dealers and blacksmiths, that is all; it would cost us about \$800 or \$900 a year more; that is what it costs us now on West Street, by the switches and one thing another breaking axles; we had no less than four axles broken in the last six weeks in West Street, and that was only going across the street right at the Cortlandt Street Ferry.

1566 *By Mr. Beaman :*

Q. How were these axles broken? A. In the switches. Q. Switches of what? A. Railroad tracks. Q. When you say it would cost you \$800 or \$900 more a year if there was a railroad on Broadway, how would it cost you that much more? A. Well, when we are going along a railroad track with a load on, as I said before, of three or four ton, there is always a little space between the stones and the railroad track where it is hollow, and when you come to where it is more or less worn and you come along there and strike in you are liable to snap your strings or axles, and especially in cold weather it is liable to break your axles; that is the cause of that axle snapping the other day. Q. It breaks your truck and leaves your load right where you are? A. Yes, sir. Q. And you stop there? A. Yes, sir. Q.



Stay there until you get off ? A. Yes, sir. Q. And 1567  
 that of course blocks the car ? A. Yes, sir Q. You  
 were asked with regard to that man the other day  
 whose truck you saw broken down on Broadway, and  
 as I understood the question you were asked it was  
 whether if that man was following up and saw a car  
 coming ahead and was trying to avoid it whether he  
 would have caused any trouble to the car ; in such  
 a case he would not have caused any trouble to the  
 car that was coming, but would have caused trouble  
 to the car that was following him ; isn't that so ? A.  
 Yes, sir. Q. If he was following along the track of  
 the car that was going the same way he was, and  
 had broken down then, though that car was coming  
 on the other track might have passed him he would 1568  
 have stopped the car that was going the same way  
 he was ? A. Yes, sir ; of course he would not have in-  
 terfered with the other car. Q. But this man was on  
 his own side of the street ? A. Yes, sir.

*Commissioner Harris :* If a railroad was constructed  
 and operated on Broadway would the truckmen leave  
 Broadway or would they continue on Broadway not-  
 withstanding it ?

*The Witness :* I think they would have to continue  
 going on Broadway ; I don't see any other street  
 they could go up ; possibly they could go down  
 Greenwich Street and Washington Street and West  
 Street, but it is getting to be all holes alongside of  
 the tracks now, and it is not safe for a man to go up 1569  
 or down there with a heavy load.

*Mr. Harris :* You mean to say that you would go  
 on Broadway as a truckman the same if a horse  
 railroad were there or not ? A. I would have to try  
 it for a while to see how it would work ; I would not  
 know how the block would be ; of course if there  
 should be a track there, as I said before, the carmen  
 and drivers would all follow that track and that car,  
 and they would not spread out as they do now ; they  
 would not go two or three abreast and go around  
 one another ; they would follow that track and there  
 is that car, and when that car stops for a passenger  
 that driver is behind it, and instead of his going to  
 pull out he would stop his horses with a heavy load,  
 and then if his horses are poorly shod and have no  
 toes or heels, then of course it will take him five or

1570 ten minutes before he is started and that will create a block on the street.

*By Mr. Bright :*

Q. You speak of holes alongside of the track; what holes do you mean in which the wheels will go down? A. Well, between the pavements and the railroad tracks. Q. Where the pavement is worn away? A. Well, I suppose it has got loose, and the stones have been broke up in it. Q. Are there many places in Greenwich Street and Washington Street where the stones are broken and where there are hollows along the track? A. Well, Greenwich Street and Washington Street I could not say. Q. in West  
1571 Street are there? A. Yes, sir, quite a number; I drive up or down West street twice or three times a day. Q. And such holes as do exist have caused you these breaks? A. Yes, sir, and the switches. Q. And they have caused you this cost of \$500 or \$900 a year? A. Yes, sir; and switches; they would break our axles and break our springs.

*By Mr. Fuller :*

Q. You say you are an experienced driver? A. Yes, sir. Q. How long have you driven a truck? A. How long since I drove a truck, or since I first started to drive a truck? Q. How long ago is that? A. Sixteen years the 15th of next June. Q. And  
1572 do you consider yourself an expert driver? A. Yes, sir. Q. Do you ever drive more than two horses? A. Yes, sir. Q. How many? A. Eight. Q. Did you ever drive more than eight? A. No, sir. Q. An ordinary driver then; you spoke about breaking your trucks down on switches? A. Yes, sir. Q. Do you consider a man an expert driver who will drive a truck loaded into a switch? A. Well, no, I would not; where I spoke of the switches, it is almost impossible to get out of them: I spoke of Cortlandt Street—Cortlandt Street and West Street. Q. Of course it is impossible to get out after you get in; but it is not impossible to keep out for the driver? A. I don't know; some years ago I saw a friend of mine get into a switch — Q. Have you ever driven a truck into a switch and broken down? A. Yes, sir. Q. Yourself? A. Yes, sir. Q. Didn't you consider it careless

ness on your part? A. Yes, I did, to a certain extent; I might have been looking at my horses. Q. You might drive up the Hudson River sometime? A. Well, I have not done that yet. Q. You might if you were not looking. A. Yes, I might. Q. You say that you and Mr. Beaman saw a truck broken down on Broadway the other day, it being loaded with flour? A. Yes, sir; I saw one broken down the other day—last week, I believe it was.

*Mr. Beaman:* He don't know what my name is, I don't think.

Q. Did Mr. Beaman get you to break a truck down loaded with flour on Broadway? A. Did he get me to? Q. Yes, did he say anything about it?

*Mr. Beaman:* This gentleman don't know my name, and I think you are going too far. This happened while we were leaving the court room the other day, and it happened while we were walking down the street; he never saw or spoke to me before as far as I know, and he came here and I asked him about it and he recollected it; now, I don't know what Mr. Fuller's general purpose is here; he has testified in behalf of this railroad—was called as one of their witnesses; I recognize him as having a purpose, and a perfectly proper one as it seems to me, to prove before the Commissioners here that some better means of travel on Broadway can be used; and I don't in any way wish to interpose any objections to his cross-examinations of my witnesses or any other witnesses that will help his side or help mine; I only wish to say to Mr. Fuller that I think the insinuation he made he feels himself was unwarranted. 1573 1574 1575

*Mr. Fuller:* I did not intend any such thing.

*Mr. Beaman:* Well, you asked him if I got him to break it down.

*Mr. Harris:* Well, we will not go into that at all.

*By Mr. Fuller:*

Q. You saw a truck broken down on Broadway? A. I did, the other day; I saw one. Q. Do you see them frequently on Broadway broken down? A. Yes, sir. Q. Do you consider that a truck will break down on a railroad track, properly driven, any quicker than it will on Broadway? A. I do, sir. Q. In what way would you drive to break it down? A. Well, you can hug the track close, and

1576 when you come to a place where there is a little part between the cobble-stones on the Belgian pavement and track ; if you let your hind wheel sock right down into that hole it is liable to snap your axle and break your springs. Q. That is the fault of the driver if he don't avoid such holes ? A. The driver don't always have the opportunity to pull out ; his hind wheel is liable to get into that track, and if it is a T rail it is liable to set right in inside of the rail, and he would not have an opportunity to prevent it. Q. Have you ever had a truck broken down on a railroad in that way ? A. Yes, sir ; dozens of times. Q. And you are trucking fruit ? A. Yes, sir.

Q. Whereabouts and on what track ? A. Whereabouts am I ? Q. Yes, sir. A. Well, sir, Pier 3, North River. Q. Is there a railroad track there ? A. There is one right opposite Pier 3 on West Street. Q. Then it was in West Street that you broke down ? A. Yes, sir ; I am speaking about a railroad track now. Q. You say that with a track on Broadway two trucks could not pass on either side if they should go abreast ? A. Two trucks ? Q. Yes. A. Oh, yes, two trucks could. Q. On either side of the railroad track ? A. No, sir ; two trucks cannot pass ; there may be some parts of Broadway they can, but you cannot from Fulton Street down to Morris Street. Q. I don't think they could anywhere on Broadway ; two trucks could not pass if the car should come right abreast of them ? A. I don't think they could. Q. Couldn't one of the trucks hold up a little ? A. That they might do. Q. Couldn't the car stop ? A. Yes, sir, I suppose it could. Q. Stop and allow them to pass ? A. Yes, sir. Q. You have stated that stages could drive out of Broadway down cross streets in case of a block ; could a truck do that under any circumstances ? A. Well, he could, provided he was not heavily loaded ; if he was heavily loaded, he could not do it because it is down grade to go off of Broadway on the west side, and then he would have to climb a hill up again to get into Broadway. Q. And then you would have to climb up a hill to get into Broadway ? A. You would have to do it if you wanted to get off and go back again. Q. Could you take as heavy a load up from the South Ferry up Broadway to Fifty-ninth Street as you could take up Church Street to Chambers Street and into West

Broadway and up South Fifth Avenue ; which way 1579  
 could you take the heaviest load ? A. Well, I don't  
 ride but very little goods above Canal Street and  
 Broadway ; you speak about Canal Street ; I can  
 take as heavy a load up Broadway from the Battery  
 right straight up to Canal Street as I can from Ham-  
 iltan Ferry and go up through Church Street, and  
 there is a great deal more ease on my horses too,  
 and a great deal more ease on my truck, and no  
 strain on my truck. Q. If you had a very heavy  
 load—we will say four tons—on a heavy truck, you  
 would prefer driving up Broadway from Chambers  
 Street to Fourteenth Street to going up South Fifth  
 Avenue and West Broadway and the railroad tracks  
 as far as there is a railroad track ? A. As I said be-  
 fore, I don't ride any goods above that, and I have 1580  
 not had much experience on that road. Q. How far  
 up does your experience extend ? A. To Christo-  
 pher Street. Q. If you were going up to Christo-  
 pher Street, which way could you take the heaviest  
 load ? A. Up Broadway. Q. From where ; from  
 Chambers Street up Broadway, or up West Broad-  
 way to South Fifth Avenue ? A. Well, from Cham-  
 bers Street, east or west. Q. West Chambers Street ?  
 A. Well, in going from Chambers Street, I would  
 go through College Place and in through West  
 Broadway. Q. You would not go through College  
 Place above Chambers Street ; if you were going up  
 to Christopher Street from Chambers Street, north,  
 which way would you take, Broadway or West  
 Broadway, and South Fifth Avenue ? A. I don't 1581  
 understand your question distinctly ; you speak  
 about loading a truck in Chambers Street or loading  
 it at the foot of Christopher Street ? Q. Loading a  
 truck in Chambers Street, we will say, at H. K. &  
 F. B. Thurber's, in West Broadway, and you wanted  
 to take a load up to Christopher Street, which way  
 would you go ? A. Up West Broadway from there ;  
 but if I was riding from down town I would take  
 Broadway.

Q. That is all I am asking about ; you have seen  
 blockades in Broadway—trucks and stages blocked  
 —have you not ? A. Yes, sir. Q. How long a time ;  
 how long a time have you seen Broadway blockaded ?  
 A. I have not seen it blocked to a stand-still for  
 over five minutes in ten years and I ride through it  
 every day in the week except Sundays. Q. Have  
 you ever seen many grocery wagons go over Broad-

- 1582 way? A. I have seen a great many cross it. Q. What do you mean by grocery wagons, wholesale grocery wagons or retail? A. Retail and butcher carts. Q. Do you consider that the horse-cars on Broadway would be an advantage to Broadway or a detriment to the traffic? A. It would be a detriment to the traffic on Broadway, I think. Q. Do you think a flat rail on Broadway even with the surface could be any detriment to Broadway? A. I never saw one; I could not say. Q. A flat rail, perfectly flat, even with the surface of the pavement, would that be any detriment? A. I could not say; I never saw any flat rail except a "T" rail, or one of those other horse-car rails. Q. Supposing a flat rail is laid on the surface of Broadway, perfectly flat with the pavement, would that obstruct the pavement? A. Well, it would depend on what you would run on that rail.
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*Mr. Fuller* : That is all.

*By Mr. Beaman* :

- Q. You have spoke of grocery wagons; do you include the market wagons and meat wagons coming from Long Island? A. What is that? Q. Do you mean by grocery wagons, as you use the term, also market wagons and meat wagons coming from Long Island? A. I mean retail grocers and retail butchers coming from West Washington Market. Q. Going and coming from the Market? A. Yes, sir.
- 1584 Q. Have you, in any testimony that you have given, included the market-men, that come in from or go to Long Island, or to and from Jersey? A. No, sir; I don't know anything about them: they go before I come in the morning. Q. They are earlier than you? A. Yes, sir. Q. You don't see them on Broadway then? A. No, sir. Q. And you don't see them crossing Broadway? A. Well, I have seen a few, not enough to speak of. Q. But those are not the kind of grocery men that you have spoken of? A. No, sir.

*By Mr. Fuller* :

- Q. Have you never seen truckmen drive their horses further apart than the outer hubs of the wheels? A. I never saw a horse-man; no, sir. Q. Have you never seen trucks driven with the horses' heads further apart? A. Yes, I have seen a lot of

farmers drive them, but never have seen horse-men drive them that way. Q. Have not you seen trucks driven in the City of New York with the horses' heads spread more than the hubs of the wheels? A. No, sir; not that I know of; not on city trucks; I have not. Q. You have seen countrymen drive them that way? A. Yes, sir. Q. Drive them here in the city. A. Yes, sir. Q. Then they spread more than the city trucks? A. Yes, sir; I have seen them lumber men from the country drive their horses wider apart—not city men—I never saw a car-man that had his horses spread further than the hubs of his truck, because he governs the heads of his horses with his hind wheel; what his horses can go through, his hind wheels can go through.

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*By Mr. Bright :*

Q. Do you include, by countrymen, the garden truck carts from Brooklyn? A. Sir? Q. Do you also include the truckmen from Brooklyn in that description? A. Yes, sir; these dirt cart wagons, and some lumber wagons.

ALBERT S. ODELL, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

*By Mr. Beaman :*

Q. Mr. Odell, where do you reside? A. 401 East Fifty-seventh Street.

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Q. What is your business? A. Livery stable keeper. Q. What relation have you to any association of livery stable keepers? A. I am the President of the Livery Keepers' Association. Q. What constitutes that association? A. Well, it is composed of all the prominent liverymen in the City of New York. Q. How long have you been President of that association? A. A year and three months—two months. Q. What amount of capital stock is invested by the members of that association in their business? A. About \$2,000,000. Q. You have a stable of your own? A. Yes, sir. Q. Where is it? A. 690, 692, 694 and 696 Lexington Avenue and 154 East Fifty-fourth Street. Q. How many horses and carriages are owned by the members of this association? A. I should judge in the neighborhood of 3,000; that is as near as I can get at it now. Q.

- 1588 Three thousand carriages. A. Yes, sir. Q. To what extent is Broadway below Fourteenth Street used by the carriages of the livery stable keepers? A. It is our principal outlet to the lower part of the city. Q. Please explain what you mean by principal outlet? A. Well, it is the only street that we can go in, with any safety at all, down town. Q. Safety to what? A. Safety to our horses, carriages, and to the people and the drivers. Q. Why is Broadway below Fourteenth Street better than any other street running up and down? A. Well, the rest of the streets, nearly all of them, have railroad tracks in them. Q. What trouble are railroad tracks to your business? A. Well, the streets where the railroad tracks are have trucks and wagons, and so on, standing on the side of the streets, and cars get blocked, and can't turn in or out, and we get blocked, and we slip off the tracks, and we are liable to hit things every day. Q. Is there considerable travel by livery vehicles on Broadway below Fourteenth Street every day? A. Yes, sir; a good deal of it. Q. For what purposes are the people using the livery vehicles? A. Well, for taking gentlemen to their offices in Wall Street and Broad Street and the other streets down town, and to take ladies to safe deposit companies and all the different ferries—to Liberty Street and the Staten Island Ferry, the South Ferry to Brooklyn, and various other things. Q. And to steamboats? A. And to steamboats, and other things too numerous to mention. Q. To what extent, then, do the livery stable keepers use Broadway in preference to any other street, particularly below Fourteenth Street? A. Below Fourteenth Street we do nearly all our down town work on Broadway, through Broadway. Q. That is, if you have to go anywhere down town, or coming from anywhere down town, you will go to what street as soon as you can. A. Go to Broadway just as soon as we can, because the other streets are blockaded, and it is nearly impossible for us to get through them, and too much risk. Q. What, in your opinion, would be the effect upon the travel upon Broadway in ordinary carriages, by placing on Broadway below Fourteenth Street, as from there to the Battery, a double track or horse railroad, with the outside rails of the track 15 feet apart, and with cars occupying, passing each other say 18 feet, and cars running up and down on such
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- 1590



a track? A. Well, the risk would be more than 1591 double what it is now; I think it would nearly close the street, as far as coaches are concerned; I think the risk would be so great that we would not care to do the business. Q. That is, if the cars were running? A. Yes, sir. Q. What effect would the placing of the tracks there, and the having of them there, have upon the traffic of the street, even if no cars were running? A. How is that? Q. What would be the effect or inconvenience, if any, of having the rails there, even if no cars were running on them? A. Well, unless they are crossed in the proper manner, a coach will slide on them; if you have plenty of room to cross them straight across, why, you can cross them, but your coach will slide unless it is a proper angle across the track, and in 1592 sliding it slides along and hits something, and knocks everything from in under, and it don't take much to break an axle or a spring of a coach. Q. State whether or not, in your experience, it sometimes happens, or frequently happens, that carriages are broken or injured by horse railroad tracks? A. Yes, sir; running in the switches we have an instance of that very often—very often—and crossing tracks, as I stated before, we catch on the rail and slide.

Q. What effect would it have on Broadway to have this double line of cars there—one running up and one running down—so far as blocking up the travel or making the street more crowded is concerned? A. Well, there is, and always will be, a 1593 certain number of trucks and business wagons stopping at the side of the street; and if they stop at the side of the street, there will not be room between the car and the truck to pass, not even a coach, and you have to turn in and out; trucks get on the track, and they stand there, and that blocks the car, and would stop us the same as we are stopped on the other streets now. Q. What other streets? A. Greenwich Street and the upper end of Broadway. Q. In your opinion, would the cars prevent blockading or increase blockading on Broadway? A. I think they would increase it, most decidedly. Q. What, in your opinion, would have the most effect to produce blockades in Broadway—a certain number of omnibuses, or a certain number of horse-cars? A. Horse-cars would block it a great deal more than omnibuses would. Q. Explain why this would

- 1594 happen? A. For the very reason that if a truck is in trouble, or is stopped in the middle of the street, why the stage turns around and goes on, and won't block the whole street; a stage can turn out, but a car must remain there. Q. What is the general width of your carriages from the outside of the hubs? A. From 6 feet to 6 feet 10. Q. What, in your opinion, would go in the quickest time from the Battery to Fourteenth Street, in the busy time of the day—a horse-car running on one of these tracks, up and down, or an omnibus running in the same direction? A. How is that? Q. Which would go in the shortest time from the Battery to Fourteenth Street in the busy time of the day—a horse-car running on one of these tracks, that we will suppose is down in Broadway, or an omnibus? A. Why, an omnibus, most decidedly, will go quicker. Q. Go quicker? A. Yes, sir. Q. Why so? A. Because it has the whole street, and the car has not; as I said before, there is more or less blocking with trucks and heavy-loaded vehicles on Broadway, and if one of those stops, there is three chances to one that that car won't go to Fourteenth Street, not in any kind of time, and the stage can turn out and go right around.
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*Cross-examined by Mr. Bright:*

- Q. Is it your opinion that the stages that traverse Broadway go quicker from Fourteenth Street to the Astor House than the Broadway and Seventh Avenue cars do? A. I think the stage goes the quickest; I should think so; I am not positive about that. Q. That opinion is as well considered as any that you have expressed to-day, I suppose? A. Well, if this railroad was — Q. No, no; answer that; is that opinion as well considered as any that you have expressed to-day? A. About as well; yes, sir. Q. Do the trucks interfere with your carriages to any extent in Broadway? A. Well, they do a little bit, now; yes, we get along well, though. Q. Do they ever get out of your way, or do you have to get out of their way? A. We have to get out of their way; we get out of their way sometimes, and sometimes they get out of our way. Q. Which is most common? A. Well, generally we are a little the weakest, and we have to give way. Q. And how about the stages; do you give way to the stages? A. Well, the stages are very accommo-
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dating to the coaches on Broadway ; they give way just as often as we do. Q. Are you interested in the cheap cabs? A. No, sir. Q. In the imitation cheap cabs? A. No, sir. Q. Then you have the old-fashioned cabs and the old-fashioned prices? A. No, sir ; first-class livery business, sir. Q. First-class livery business? A. Yes, sir. Q. What would you charge me for going from the Union Square to the Battery in one of your good carriages? A. Well, my stable is at Fifty-seventh Street, and you could not get in one of my coaches, at Fourteenth Street and come down. Q. If I happen to hail your coach at Union Square, and wanted to come down to the Battery, what would you charge me? A. You could not, because I would not be allowed to carry you under our license ; we are only allowed to take our orders at the office. Q. If I could not fortunately go under your guidance, suppose I found a cabman, or other livery man, who could take me from the Union Square to the Battery, what would be the first-class charge? A. Charge you \$2. Q. What do you understand this proposed railroad proposes to charge for the same ride? A. I suppose it would be about the same as the other cars. Q. What do you understand that to be? A. Five cents.

*By Mr. Beaman :*

Q. An omnibus would take you down now for five cents, wouldn't it? A. Yes, sir. Q. And you could go down the side streets for five cents? A. Yes, sir. Q. If anybody is willing to pay two dollars for a carriage it is simply because he prefers to pay two dollars for a carriage rather than five cents for a horse-car ride? A. Yes, sir. Q. And Mr. Bright can have the same privilege? A. Yes, sir. Q. And you think that you, as a livery stable man, can have a right, or ought to have a right, to accommodate people who want to be accommodated in that way? A. Yes, sir. Q. And they can have their choice? A. Yes, sir ; we think we give them that much more comfort.

*By Mr. Bright :*

Q. You think there is two dollars' worth more of comfort in going down in one of your carriages than in a car anybody is likely to build? A. Most decidedly ; they get a great deal more of comfort—

- 1600 nice satin-lined coach, and everything in that shape.  
*Mr. Beaman* : And no conductor ?  
*The Witness* : No, sir.

*By Mr. Fuller* :

- Q. Mr. Odell, now I would like to ask you a question or two ; don't you consider that Broadway and Fifth Avenue are much more slippery to drive horses in—smoother than any other streets in New York ? A. Well, some portions of them are ; there are some portions of Fifth Avenue that have pretty good footing, and some portions are rather bad.  
 Q. You take the average from Fifty-ninth Street on Fifth Avenue, and also Broadway ; do you consider there are any two streets in New York as dangerous to drive a smooth-shod horse on as  
 1601 Broadway and Fifth Avenue ? A. Well, that is a question ; the other streets are full of holes, you know, and it is a question ; we have got smooth pavements on Broadway and Fifth Avenue, and they would naturally be smoother ; the others are a little more rough.

WILLIAM H. SEAICH, called as a witness on behalf of Mrs. Boreel, and the Board of Trade and Transportation, being duly sworn, testified as follows :

*By Mr. Beaman* :

- Q. Where do you reside, Mr. Seaich ? A. My  
 1602 stables are in Thirty-second Street, 44 to 50 East Thirty-second Street. Q. Are you in the livery stable business in your own name ? A. My father and myself. Q. What is the name of your firm ? A. Joseph Seaich & Son. Q. How long have you been in this business ? A. Twenty-eight years. Q. And your father was in business before you ? A. He has been in it forty years. Q. How many horses and carriages do you keep, about ? A. Well, I suppose about thirty carriages of different descriptions. Q. And how many horses ? A. One hundred. Q. One hundred horses ? A. Yes, sir. Q. What use do you, in your business, make of Broadway below Fourteenth Street ? A. Altogether, on our way down town. Q. Altogether what ? A. Down to the ferries—the Wall Street and the Liberty Street ferry, and Chambers Street, for instance. we use it going down town. Q. That is, if you

were going down to either of those sections, or going back, you would use Broadway? A. Invariably. Q. Why? A. It is the only thoroughfare we have. Q. You speak of the only thoroughfare you have; there are other streets, aren't there? A. Well, not open for travel—for rapid travel—no, sir. Q. Not open for rapid travel? A. No, sir. Q. Why not? A. Well, they are full of railroad tracks, &c.; we can come down part of the way from Fourteenth Street, but not all. Q. Down how far can you come comfortably? A. Well, about to Bleecker Street, or Houston Street. Q. What trouble do you find? A. Well, Mercer Street is full of trucks standing on the sides of the street, and when we go down town we have to go in a hurry, and we have to turn into Broadway. Q. The people that are using your vehicles are in a hurry to get down town, I suppose? A. Usually; yes, sir.

Q. Suppose you come down below Canal Street, what do you find the situation of the streets on the east side of Broadway? A. There is only Centre Street and the Bowery, and you can't make much headway there. Q. And what is the situation on the west side of Broadway? A. I never allow my men to go down those streets, if I can help it in any way, shape or form. Q. Why not? A. You cannot get through Church Street, or West Broadway, or Hudson Street. Q. What is the trouble? A. Well, there are car tracks there, and they block us up. Q. What is the trouble, are there blocks there in the travel? A. We usually cannot go through Church Street at all. Q. What time of the day are you, in your business, mostly using Broadway? A. Well, all the way from 10 o'clock to 5 o'clock. Q. What effect, in your opinion, on your business and on the general livery business and the use of livery vehicles would the placing of a double track or horse railroad have on Broadway, between Fourteenth Street and the Battery, the outside rails being 15 feet apart and cars running on them in the usual way, the outside of the cars being 18 feet apart? A. I think it would affect us very much. Q. How affect you? A. Affect us in wear and tear and in time. Q. State what you mean by wear and tear? A. Well, from crossing and recrossing the railroad tracks, they injure our carriages—they injure our wheels and our springs, &c. Q. State what you mean by "time"?

- 1606 A. Well, if there are cars there, and one car going up town and another car going down town there would be more or less vehicles each way, up and down, and there would be wagons standing at the doors of the respective stores, and we could not pull out, but would have to go on that track, and could not get around the same as we do now. Q. Why could not you? A. Why, because there would be a stream of vehicles coming up the street from the opposite side when we are going down, and if there is a car ahead of us, how are we going to pull out if there are trucks standing in front of the doors of the different houses. Q. You could not go either way, as I understand? A. Well, we would have to go along after the cars, and it makes it very hard for us, and we cannot make time.
- 1607 Q. In your judgment, would all the travel up and down Broadway be faster or slower if there were horse-car tracks, than it is now? A. From Canal Street below, it would be much slower. Q. All the way? A. All the way down. Q. For all kind of vehicles? A. For all kind of vehicles. Q. For horse-cars, as compared with omnibuses? A. Yes, sir; the same; you would have to follow the car, then. Q. And the cars, they would have to follow the wagons and whatever would be ahead of them? A. Yes, sir, trucks or whatever would be ahead of them. Q. Are you testifying from the result of your experience as a livery stable keeper? A. Yes, sir. Q. Have you driven much yourself? A. Yes, sir; a good many
- 1608 years ago, I did; but I have seen a good deal of it. Q. Your business is to know where your coaches are and to know what they are doing—that is part of your business? A. Altogether. Q. Is there any part of the city where you have seen the trouble from horse-car tracks in this way that you have spoken of? A. Well, from Seventeenth to Twenty-first Street it is pretty hard work to get along. Q. On Broadway? A. Yes, sir; all the stores there are blocked up with private carriages—Lord & Taylor's, Arnold & Constable's, and others—carriages standing in front of the doors, and there is no room between them and the track; you have got to follow the cars and go very slow; again, from Twenty-fifth to Thirty-fourth Street, it is the same way. Q. That is, if a carriage is stopping, as I understand you—if a carriage is stopping, while ladies are shopping, and a car is coming along on the side next to the

carriage, there is no room between the carriage and 1609 the car for any vehicle? A. No, sir; not for them to pass. Q. There is comparatively little trucking on that part of Broadway, compared with the part down here, isn't that so? A. Nothing to be compared with it—mostly all carriages up there. Q. And on that part of Broadway, there are comparatively few trucks standing, are there not? A. Very few indeed—mostly private carriages. Q. Whatever are standing there are most private carriages for ladies that are shopping? A. Yes, sir. Q. Doing their business there? A. Yes, sir.

*Cross-examined by Mr. Bright:*

Q. Up-town trucking is done principally where? A. Up-town what, sir? Q. You say that in Broad- 1610 way, above Seventeenth Street, there is comparatively little trucking? A. I see very little of it; yes, sir. Q. Where is the up-town trucking principally done? A. I see them coming up the different avenues—Fifth Avenue, and Madison Avenue and Fourth Avenue. Q. Madison and Fifth principally? A. Well, I see very little of up-town trucking. Q. You spoke of avoiding side streets down town; is one of your reasons for avoiding them the bad pavements? A. Well, chiefly the railroad tracks? Q. But are bad pavements any part of the reason? A. Oh, yes, certainly. Q. In those side streets, then, is it true that the pavements are, in many cases, neglected and in bad condition? A. Centre Street is the only one that I can speak of. 1611 Q. And you, no doubt, generally shun it? A. Yes, sir. Q. Why? A. There are very high tracks there. Q. Do the pavements in those side streets, as a general thing, need attention and repair? A. They do, certainly. Q. You speak of the presence of trucks in Mercer Street. A. Yes, sir. Q. Is the same obstruction existing in Wooster Street and Green Street, parallel streets? A. Well, that is a very narrow street, and they have a single line running down. Q. No, no; I am speaking of trucks? A. I don't know; I don't go there much. Q. The trucks that you speak of in Mercer Street, above Canal Street, what kind of trucks do you refer to? A. Business trucks, double and single. Q. Trucks standing there over night? A. No, sir; standing there in business time. Q. With their horses attached to them? A. Yes, sir; and in other streets stand-

1612 ing there. Q. Have you noticed in that street, and also in Greene and Wooster Streets, whether it is the custom of truckmen to unhitch their teams, and leave their trucks standing in the roadway? A. I have never noticed that; that would be early in the morning. Q. Your office is where? A. Thirty-second Street. Q. Near Fourth Avenue? A. Right opposite the Park Avenue Hotel. Q. Your stables are known as the "Opera Stables," are they not? A. Yes, sir. Q. Is your business largely for families? A. Altogether. Q. Then, is your business principally in the upper part of the city? A. Well, we have a good deal to do down town. Q. No, I ask comparatively. A. Yes, sir; chiefly up-town. Q. Chiefly up-town? A. Yes, sir. Q. Then, what proportion of all your livery business is transacted  
1613 above Fourteenth Street? A. Well, I should say more than half? Q. You have occasion to travel in Fourth Avenue, with your carriages, have you not? A. Yes, sir; very often. Q. And in Broadway? A. Yes, sir. Q. And in Sixth Avenue? A. Sometimes; not very often. Q. Do you have occasion to travel very largely in Broadway? A. A great deal; yes, sir. Q. Do you experience blockades to any great extent in Broadway, above Seventeenth Street? A. Well, there are often from Seventeenth to Twenty-first Streets and above. Q. How recently have you known a blockade in Broadway, between Seventeenth Street and Twenty-first Street? A. Last week I saw it there; carriages had to turn off into the side streets to get up. Q. Isn't it true that the  
1614 principal part of the livery business is done above Fourteenth Street? A. The greater portion I should say so; yes, sir. Q. Do you know the existing Broadway cars that run through Broadway and University Place? A. Yes, sir. Q. Do you know the usual speed of the stages? A. Well, I very seldom ride in them, I take the cars in preference. Q. Is it your observation that the stages go faster than the Broadway cars travel? A. I hardly think the stages do. Q. Suppose you want to go from Fourteenth Street to the Astor House, as quickly as possible, would you take one of the stage lines, or would you take the Broadway car? A. I should take the Broadway car. Q. Is it not a fact that you can go down there very rapidly in them? A. At times, unless they are blocked. Q. When they go, I say, do they not go rapidly? A. Yes,



when they go, they do. Q. Suppose that I wanted to go in one of your carriages, to come down through Broadway to the Battery, what would you charge me? A. It would depend upon where you started from. 1615

Q. Suppose I started from Thirty-second Street and Broadway? A. Charge you \$3 to take you down in a carriage, and a coupe, which is a single one, less. Q. You understand, I suppose, that this proposed railroad seeks to run continuously from the Park to the Battery for five cents, do you not? A. I didn't know how far they were going to run. Q. You were asked how a railroad in Broadway would affect you? how do you think that circumstance would affect your business? A. I think it would affect our carriages—the going of them—1616 very much indeed.

*By Mr. Beaman :*

Q. You have been asked about some of these other streets that were badly paved, and you have spoken about the tracks being very high there; what do you mean? A. In Centre Street, it is almost impossible to go through there with a carriage. Q. The tracks are above the pavement? A. Considerably, on account of the freight lines. Q. Do you know whether or not the railroads that occupy those streets have contracted with the city to keep the pavements in order? A. I could not tell you that, sir. Q. You don't know anything about them? A. No, sir; I don't. 1617

*Commissioner Lord :* Isn't this track in Centre Street a part of the Harlem Railroad; and isn't it used by their cars? A. Yes, sir.

*Commissioner Lord :* That is higher than the ordinary rails used by the horse-cars there, is it not? A. Yes, sir; much higher.

*By Mr. Fuller :*

Q. Mr. Seaich, what do you consider the most crowded street in the city? A. Well, West Broadway. Q. Below Canal Street? A. Well, I take Broadway from Canal Street down. Q. It is the worst crowded street on the island, is it not? A. Yes, sir. Q. And still it is the street that all the cabmen take to drive over, to make speed? A. Yes, sir. Q. How rapidly do you generally run

1618 from Thirty-second Street to the Battery, for instance? how long would it take you on Broadway, as a rule? A. Well, sometimes one hour and a half, and sometimes two hours and a half. Q. Down Broadway? A. Down and back. Q. Down and back? A. Yes, sir; sometimes one hour and a half, and sometimes two hours and a half. Q. Thirty-second Street to Wall Street, down and back? A. Yes, sir. Q. On account of the block? A. Yes, sir; at times. Q. Don't you consider that you could go quicker in some other street? A. I can't find it. Q. How would a cable road on Broadway, with a flat rail, if it ran eight or ten miles an hour, affect your carriages? A. You couldn't run that way, sir. Q. If they could; would they keep out of your way, then? A. I guess they would. 1619 Q. Couldn't catch them, eh? A. No, sir; I guess not. Q. You don't drive faster probably than, on an average, three or four miles an hour, on Broadway? A. No, sir; can't. Q. Then you don't think that a cable road, with a flat rail, that would average six or eight miles an hour, would interfere much with your travel on Broadway? A. If they could do that; no, sir,

*By Mr. Beaman:*

Q. You spoke just now of West Broadway being a crowded street? A. Yes, sir; Q. What part of it is crowded? A. From Canal Street to College 1620 Place. Q. Crowded with what? A. Trucks, cars, market wagons, &c. Q. At what times of day? A. Well, I have seen it both morning and afternoon. Q. As I understand you spoke of that first, as the most crowded street in the city. A. Well, that is only a short distance—that is from Canal Street to College Place. Q. In your opinion, is West Broadway from Canal Street to College Place as crowded as Broadway itself? A. Well, there ain't much difference. Q. There ain't much difference? A. A. No, sir. Q. It is all full in busy parts of the day? A. Yes, sir.

*By Mr. Bright:*

Q. Suppose all the stages were removed from Broadway, to what extent would that be a relief to the street? A. Well, that would take away something. Q. A big obstruction, or a slight one? A. I

think it would be a slight one ; there are only about 1621  
 200 stages. Q. But those 200 stages are going back  
 and forth all the time ? A. Yes, back and forth all  
 the time ? Q. Do you recognize the fact that they  
 really are present in all parts of Broadway continu-  
 ously ? A. I should say so ; yes, sir. Q. That being  
 so, do you still think the removal of all those stages  
 would be a very slight relief to Broadway ? A. Cer-  
 tainly, anything that they would remove from there  
 would be a help Q. Yes, sir ; but I want to know  
 whether it would be an important relief, or a very  
 slight one ? A. I think it would be a very fair relief.  
 Q. Very what ? A. Very fair relief.

*By Mr. Beaman :*

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Q. The stages don't take up any more room than  
 the same number of other large vehicles do, do they ?  
 A. No, sir. Q. And are no more of an inconvenience  
 on Broadway ? A. No, sir ; I think not. Q. And the  
 removal of a certain number of stages would relieve  
 Broadway in the same way that it would be relieved  
 by the removal of the same number of trucks or any  
 other kind of vehicles ? A. Yes, sir ; on the same  
 basis. Q. But in no other way ? A. No, sir ; on the  
 same basis.

STEPHEN H. MASON, called as a witness on behalf  
 of Mrs. Boreel and the Board of Trade and Trans-  
 portation, being duly sworn, testified as follows : 1623

*By Mr. Beaman :*

Q. Where do you live ? A. 8 East 28th Street. Q.  
 What is your business ? A. I keep a livery stable.  
 Q. Where is your livery stable ? A. 4 and 6 East 28th  
 Street. Q. What is the name of your firm, or how do  
 you carry on business ? A. S. H. Mason & Co., Em-  
 pire Stables. Q. Are you the Mr. Mason of that firm ?  
 A. Yes, sir. Q. How long have you been in that  
 business, Mr. Mason ? A. Been engaged in New  
 York, in that business, since 1861. Q. At that place ?  
 A. No, sir ; been about eight years at that place.  
 Q. How many coaches do you have, or carriages ?  
 A. Have about fifty carriages. Q. And how many  
 horses ? A. About one hundred horses. Q. What use  
 do you, in your business, make of Broadway below

1624 14th Street? A. Well, we use Broadway exclusively in going down town, and for all our down town work we use Broadway. Q. For going for any purpose down town, or for going to Brooklyn or Jersey City? A. Yes, sir; Brooklyn, Jersey City, or Wall Street, Exchange Place, or any of the ferries. Q. Why do you use Broadway more than any other street? A. Well, because it is safer, and we can make better time. Q. Make better time; you mean you can go quicker up or down? A. Yes, sir; we can go quicker up or down, and with more safety. Q. Why with more safety? A. Because we have a clear street, as it were, and there is nothing to stop us, and good pavement. Q. What effect would it have upon your use of Broadway, or the  
1625 use of Broadway generally, by the livery carriages, if there was a horse railroad running up Broadway, up and down, on a double track, with the rails fifteen feet apart, the outside rails being fifteen feet apart? A. I think it would interfere with us very much; I think we could not go down as quickly or as safely as we do now.

Q. Why could you not go as quickly? A. Because we would have to be constantly turning in and out between the railroad tracks; we could not go in the space between the car track and the curb, because there would be wagons standing there, and we would have to be constantly turning in and out, and on to the track and out again, and we would lose  
1626 time. Q. And that would make your time longer going up and down? A. Yes, sir. Q. You said you could not go with as much safety; what did you mean by that? A. We never like to drive on railroad tracks more than is possibly necessary, because we must be turning in and out, and our wheels will be catching between the track and pavement, and it is liable to brake our axles and springs—twist the axles and break the carriages. Q. Which, in your opinion, would cause the most delay and blockades on Broadway, a certain number of horse-cars running on those tracks, or the same number of omnibuses? A. Oh, the horse-cars, decidedly. Q. Why so? A. Well, the stages can turn in and out the same as we do, and of course the cars must go on the track. Q. Please state whether, in your opinion, a certain number of stages on Broadway cause any more inconvenience to the general travel, or any more blockades, than the same num-

ber of trucks would, of the same size? A. No, sir, 1627  
 not at all. Q. Which, in your opinion, would go in  
 the quickest time from the Battery to Fourteenth  
 Street, the ordinary omnibuses, as they are driven  
 now, up and down, or horse-cars as they would be  
 driven, the same time of day, on these tracks?  
 A. I suppose the cars would go quicker, if they  
 were not blocked. Q. If they were not blocked?  
 A. Yes, sir. Q. Supposing, without regard to  
 whether they were blocked or not, supposing they  
 were running in the usual way, and with Broadway  
 in its usual condition? A. Well, it would be very  
 hard to tell; I should think the cars would get  
 blocked very much from Chambers Street to below  
 Wall; it is certainly very difficult to get through  
 now, at times. Q. And of course, this blockade 1628  
 would have its effect upon the total time, more or  
 less? A. Yes, sir.

*Cross-examined by Mr. Bright:*

Mr. Mason, where is your office? A. No. 4 East  
 Twenty-eighth Street. Q. Suppose I desired you to  
 take me from the St. James Hotel to the Metropolitan  
 Opera House to-night, how would you go? A.  
 Well, I would go on Broadway. Q. There is a rail-  
 road on that street, isn't there, every inch of it? A.  
 Yes, sir. Q. Do you use, with you carriages,  
 streets in which there are railroads, every day? A.  
 Yes, sir. Q. Do you go shopping in streets, every  
 day, in which there are horse-railroads? A. Yes,  
 sir; I suppose we do. Q. In Twenty-third Street? 1629  
 A. Yes, sir. Q. On Broadway? A. Yes, sir. Q.  
 In Fourth Avenue? A. Yes, sir. Q. While you  
 would take me from the hotel I have named to the  
 opera, by Broadway, you could, at the same time,  
 by a very unimportant diversion, go up Fifth  
 Avenue? A. Well, the distance is considerably  
 greater. Q. I want you to answer my question;  
 you could go, couldn't you? A. We could take the  
 Fifth Avenue, certainly. Q. And you certainly  
 would, if you were in danger of loss of property or  
 limb, wouldn't you? A. Well—— Q. Wouldn't  
 you, if you were in danger of loss of property or  
 limb? A. If we knew there were danger, certainly.  
 Q. Suppose again that I wanted to go from one of  
 the Broadway hotels, the Fifth Avenue or St. James,  
 or from Twenty-eighth Street to the Battery, what  
 would you charge me? A. Charge you for a coupe

1630 two dollars. Q. Suppose I wanted to go in a carriage? A. three dollars.

*By Mr. Beaman :*

Q. You have frequent trips to make, such as Mr. Bright has just asked you about, haven't you, and at those prices? A. Yes, sir. Q. And it is a considerable part of your business, going up and down Broadway at those prices, to accommodate gentlemen and ladies who wish to pay your price? A. Yes, sir. Q. Rather that ride in the cars at five cents, or any other charge? A. Yes, sir. Q. By the hour, how much would you charge for a carriage? A. The hour work is only for shopping and visiting. Q. But if I was going down to Wall Street, and  
1631 wanted to stop down there a time, how much would you charge me? A. To go to Wall Street and remain there a time? Q. Yes, sir. A. Well, if it was within two hours, if the trip was made in two hours it would be three dollars; if it was more than two hours it would be at the rate \$1.50 an hour. Q. For riding in a carriage or a coupe? A. Carriage. Q. Then, I take it that for the work of a carriage, you charge at the rate of three dollars for two hours? A. Yes, sir. Q. And you estimate that the time up and down is about two hours. A. Yes, sir; about that.

*By Mr. Fuller :*

1632 Q. Mr. Mason, which do you think would be preferable on Broadway, 200 stages, carrying twelve passengers each, which would be 2,400 passengers, or 100 horse-cars, carrying twenty-four passengers each, which would be the same number? A. Well, I think the stages would give us less trouble. Q. That is, double the number of stages, would give you less trouble? A. Yes, sir.

*Mr. Bright :* Less trouble to whom?

*The Witness :* Less trouble to our business—to our carriages.

Q. You think that they would blockade less than one-half the number of horse-cars, do you? A. Yes, sir; I think they would. Q. Supposing you had a cable road on Broadway, using a flat rail, and one car carrying 100 passengers, and twenty-four cars carrying 2,400 passengers, which would blockade Broadway most? A. That would depend upon

how fast they would run them. Q. Running them at the rate of six or seven miles an hour? A. If the track was perfectly smooth, so that the street was not obstructed at all, and you could go as fast as an ordinary carriage drives, they could follow right behind your car, and it would not make much difference perhaps; but if you went at the rate of six or seven miles an hour, you would be pulling from us, of course. Q. Don't you think you could drive faster if the cars could drive faster; don't you think you could make better time? A. Well, we couldn't make six or eight miles an hour. Q. What would you think preferable on Broadway, 200 stages, carrying 2,400 passengers, or twenty-four cable cars carrying the same number of passengers? A. I think I should rather take my chances with the stages. Q. With 200 stages? A. Yes, sir. 1633 1634

*By Mr. Bright:*

Q. What would you think of a cable car going noiselessly through Broadway at eight or ten miles an hour? A. I think it would drive us off of Broadway entirely; I think it would not be safe to go there with a carriage.

*By Mr. Fuller:*

Q. A cable car would drive you off on account of making no noise? A. Yes, sir, exactly. Q. You think that a cable car would be more dangerous than a horse-car? A. I think so, certainly. Q. In what respect? A. Well, because there would be more accidents; we could not keep out of their way. 1635

GEORGE TUTHILL, called on behalf of the property owners represented by Mr. Fuller, being duly sworn testified as follows:

*By Mr. Fuller:*

Q. Mr. Tuthill, how long have you resided in New York? A. Off and on for sixty years. Q. Do you think that a horse railroad on Broadway would be an improvement to Broadway? A. A railroad on Broadway, sir, would be an improvement, but not a horse railroad. Q. Why not? A. I think a cable road is far preferable to a horse road in every manner and respect. Q. Will you

- 1636 please be kind enough to give your reasons why you think so, in your own way? A. I think, sir, that a cable road is safer, better, can carry more passengers, and in every way satisfy the people, over and above any road that can be put on Broadway; if you would like to have my reasons I can give them to you. Q. If you please. A. In the first place, on a horse railroad the driver has three or four duties to attend to; he has to look after his horses, attend to his brake, look out for the passengers, and in many instances take up fares; on a cable road the driver of a car has but one duty to attend to, and that is to take care of his brake; in the second place, they can carry three times the number of passengers; in the third place, they can
- 1637 carry them in a great deal less time; fourth, they can carry them with less danger to the public; my reasons for wishing a railroad on Broadway are these; New York is a large city; it is growing; it cannot grow south, it cannot grow east, it cannot grow west, but it must grow north; facilities must be given people to get to and fro from their homes; the best facilities that you can give them to carry the most people is the road for the people; and a few people whose businesses are going to be obstructed, such as hackman and truckmen, have got to give way to the wishes of the people themselves; that is my opinion. Q. How do you think a cable road will work on Broadway? A. From what I have heard, and from the study I have made of it:
- 1638 there is no reason why it should not work as well there as in any other part of the world; I have not seen it individually myself, but my son, he has seen it and examined it in all its ramifications—

*Mr. Bright:* Oh, don't tell us what your son has seen; you might make a mistake.

Q. Have you seen the drawings and models? A. I have, sir. Q. How would it affect property on Broadway? A. I think it would improve property: it has done so in other cities, and why should it not do so in New York? Q. Do you think that a cable road would be as great an obstruction on Broadway as a horse railroad? A. I don't think it would be so great an obstruction, sir, I think it could carry more passengers with less cars. Q. Do you think that they can move through a crowded street, with greater facility and less obstruction than a horse-car? A. With equal facility as a horse-car, and even with greater facility.



*Cross-examination by Mr. Bright:*

1639

Q. Have you any connection with any cable company? A. No, sir, not directly. Q. What indirect connection have you? A. I did some work for them some months ago, that is all. Q. In what capacity? A. Canvassing—where I got the opinions of a great many people. Q. Do you think that trucks are a nuisance in Broadway? A. Well, trucks are a necessary nuisance. Q. Do you think stages are a nuisance also? A. Same category; they are nuisances same as all classes of horse-cars all— Q. Do you think that hacks are necessary nuisance? A. Do I what, sir? Q. Do you think that hacks are a necessary nuisance? A. What? hacks? Q. Yes, hacks. A. Well, I don't know; sometimes they are very convenient. Q. Then are 1640  
you in favor of trucks continuing to occupy Broadway to the extent they now do? A. Certainly, every man should attend to his own business, and have as many trucks as he wishes. Q. You never had anything to do with the construction of a cable road? A. No, sir. Q. And you don't know from any personal knowledge how they are constructed? A. No, sir; from study. Q. No personal observation? A. No, sir; there is another point I would like to state to you gentleman; I saw it stated some time ago in reference to cars frightening horses; I want to say that some three or four years ago I was interested with Colonel Angomar, of New Orleans, who had a steam motor, which I got through the 1641  
Third Avenue Railroad Company on the Third Avenue Railroad; we tried it all of ninety days from Sixty-fifth Street down to the Tribune building; I suppose many of you gentlemen have seen it; it was a steam motor on the Surface Railroad; I rode in that car every day, down in the morning and up at night on the platform, and I must confess that I did not see any horses frightened even by that ejecting the steam from the pipe all the time; this bugbear of frightening the horses on the street I think is all nonsense.

*By Mr. Fuller:*

Q. Do you think that a cable road would frighten horses? A. No, sir. Q. Do you think that a cable road would be an improvement on horse-cars for the reason that every foot of ground they cover they

- 1642 carry passengers? A. Yes, sir. Q. No room taken up for horses? A. No, sir. Q. And much cleaner? A. In every respect; they are safer to the city by not having the pavements torn up; better because they raise no dust and dirt—no dust, no dirt—no sand accumulated, no piles of dirt on the sidewalk; in every respect every argument that can be used in favor of the horse railroad can be used with greater force in favor of a cable road. Q. And ice and snow does not affect them? A. To no extent at all, sir. Q. Have you seen, this Winter, sand sprinkled on the Third Avenue road? A. Not only sand, but salt. Q. Did you see the sand car come down one day with eight horses, sprinkling sand all the way down to the City Hall. A. I have, sir; and two hours afterwards it was scattered in dust in all the windows. Q. Is that necessary on a cable road? A. No, sir. Q. No matter how much ice and snow, they never have to sprinkle the track? A. No, sir; and they don't have to have an extra car when they have to go up a little grade—extra horse, I mean. Q. And on the whole, you think it would be a great improvement and a decided advantage to have a cable road on Broadway, instead of a horse railroad? A. Decidedly.

*By Mr. Bright:*

- Q. It is your opinion that a car propelled by a cable—that the wheels of a car propelled by a cable. 1644 would cling to the tracks when a horse-car would not? A. No, sir; I don't say anything of that kind; it is because the wheels must go around; the car is attached to the cable, and it can't help being moved; it must go if the cable moves; the car must go and the wheels must turn, as the car is attached to the cable.

*By Mr. Fuller:*

- Q. With a cable road, no matter whether the wheels slide on the ice or not? A. So long as the grip holds, they have got to go, up-hill and down-hill, it matters not, it has got to go.

*By Mr. Bright:*

- Q. So long as the horses pull, a horse-car has got to go, hasn't it? A. Well, sir, horses don't always

pull, they are sometimes a little skittish. Q. You 1645  
 have told us all you know, haven't you? A. Well,  
 I don't know that I have told you all that I know.  
 Q. I guess that is all. A. You had better ask me  
 questions if you want to get any more information;  
 I don't like to tell all I know gratuitously.

*By Mr. Beaman:*

Q. Where do you reside? A. 1110 Park Avenue.  
 Q. What street is that? A. Fourth Avenue. Q.  
 Near what street is it? A. Between Sixty-sixth  
 and Sixty-seventh Streets. Q. How did you come  
 down here this morning? A. I came down in the  
 Madison Avenue car. Q. Horse-car? A. Yes, sir.  
 Q. Do you come down-town often? A. Well, gen- 1646  
 erally every day. Q. Do you ordinarily come that  
 way? A. Well, sometimes one way and sometimes  
 another. Q. What other way do you come? A.  
 Sometimes in the Elevated, sometimes in the Sixth  
 Avenue and sometimes in the Third Avenue Ele-  
 vated, and sometimes in the horse-cars. Q. Did you  
 come down to-day all the way without stopping?  
 A. Yes, sir. Q. What is your business, sir? A.  
 Broker. Q. What kind of a broker? A. Merchan-  
 dise broker in oil. Q. Where is your office? A.  
 52 Broadway. Q. Have you any other business?  
 A. No, sir. Q. How long have you been in that  
 business? A. For five years.

Q. Are you a machinist of any kind? A. No,  
 sir; I have an idea about that, though. Q. Do you 1647  
 own any real estate in the City of New York? A.  
 No, sir; I am a householder here, though, for thirty  
 years. Q. You have never seen a cable road oper-  
 ated at all, have you? A. No, sir, not myself. Q.  
 And the opinion that you have about cable roads are  
 second-hand mostly, are they? A. Well, second-  
 hand, and a good deal of study; I have studied in  
 that a good deal and conversed with people who have  
 seen it work in San Francisco and Chicago. Q. You  
 never knew of a cable road down in a street like  
 Broadway? A. I don't think there is a street like  
 Broadway in the world. Q. Why not? A. Be-  
 cause there is not; you can't compare it with any  
 other street in the world. Q. What do you mean  
 by "You can't compare it with any other street in  
 the world?" A. There is no city in the world that  
 has a street like Broadway with no railroad through  
 it. Q. There is not any? A. No, sir. Q. Why

- 1648 not ? What is the difference between Broadway and any other street in the world ? A. Well, because it is one of the finest and first streets in the world. Q. Do you mean the finest paved or finest what ? A. Well, I take it to be the finest—I use the general term—one of the finest streets in the world. Q. Finest buildings on it ? A. Well, it is not worth while going into any such particulars as that ; I say it is one of the finest streets in the world. Q. Finest in what respect ? A. In every respect—buildings, people, business, &c. Q. More business on it ? A. Well, I don't know ; I never went into the statistics as to the different businesses on the streets in the world. Q. What do you mean by finest ? A. If you don't understand those terms, I cannot teach
- 1649 you those terms ; I say it is the finest street in the world ; I may be an American and feel a little pride about New York and particularly about Broadway : if you cannot understand that term I cannot teach you. Q. Have you visited any other cities of the United States ? A. Yes, sir. Q. What other cities ? A. Philadelphia, Boston, and a good many of them. Q. There is no such fine street as Broadway in those cities ? A. Well, I don't think there is. Q. Is there any such crowded street anywhere in the world that you know of ? A. Well, I don't know ; perhaps the City of London has such crowded streets ; I don't know, though, except from hearsay ; that I cannot tell. Q. I suppose you never saw such crowded streets, did you ? A. No, sir ; I never did ; but yet
- 1650 I think a cable road would do it good ; that is my opinion. Q. Yes, and we are trying to get at the basis of your opinion, Mr. Tuthill ? A. Yes, sir. Q. Which part of Broadway do you think is the finest ? A. In what respect ; what do you call the finest ? Q. I have been asking you what you call the finest ? A. Yes, and now I have asked you what you call the finest ? Q. I call the finest exactly what you call the finest ; now, I ask you what part of Broadway is the finest in your opinion ? A. From Fourteenth Street to the Battery. Q. Which part of Broadway, between Fourteenth Street and the Battery, is the finest ? A. Well, perhaps the Stewart building. Q. What ? A. Perhaps the Stewart building is one of the finest. Q. Where we are now ? A. Perhaps so ; yes, sir. Q. Perhaps so ; have you no opinion about it ? A. Well, I never made up my mind about it quite yet ; I never had thought

the question over. Q. Is it a difficult question for you to consider and answer? A. Let me understand the question, sir. Q. Which part of Broadway, between Fourteenth Street and the Battery, is, in your opinion, the finest? A. Well, from Canal Street to the Battery. Q. Why is it finer from Canal Street to the Battery than from Canal Street to Fourteenth Street? A. Better built, I think. Q. Any other reason? A. Handsomer buildings, finer buildings—more expensive buildings. Q. Which part of Broadway, between Canal Street and the Battery, is the finest? A. Now you are getting things down too small. Q. I don't know; perhaps I am. A. Well, say from Chambers Street to Trinity Church. Q. Now, why is from Chambers Street to Trinity Church the finest part of Broadway below Fourteenth Street? A. I think, in my opinion, it has the finest buildings—more magnificent buildings in it. Q. Which part of Broadway, between Fourteenth Street and the Battery, is the busiest? A. I don't know; judging from the number of people on the street I should say they were all busy; I presume there is a fair business done below Canal Street.

Q. What do you mean by fair business? A. Some business—generally I should say that a man who is doing \$6,000 a year and another doing \$20,000 a year—I mean to say the one that does the \$20,000 worth a year is doing a better business than the one who is doing a business of \$6,000 a year. Q. Then, by "fair" you mean more dollars? A. I only judge from my own personal experience. Q. You never yourself have been located on Broadway, have you? A. Yes, sir; I have. Q. Where? A. In the Astor House. Q. When? A. My father, from 1824 to 1857. Q. And you? A. What, sir? Q. What time were you there? A. I was there from 1855 to 1860—a portion of that time. Q. What business were you doing? A. Hatting business; firm of Leary & Co. Q. How does Broadway between Chambers Street and Fulton Street compare now with Broadway as it was in 1860? A. Well, I think it is about—well, I should think there is more than double—yes, three times—the amount of business done on it now than was then. Q. How does it compare in amount of travel on Broadway? A. I don't know, sir. Q. When you mean business you mean dollars and cents, do you not? A. Yes, sir; I mean dollars and cents. Q. Do you see Broad-

- 1654 way very often? A. Do I see Broadway? Q. Yes, sir. A. Well, I could not tell you how many times a day I cross it. Q. Where do you cross it? A. On the cross-walks generally. Q. But in what part of Broadway, Mr. Tuthill? A. Well, wherever I happen to be and want to cross, sir. Q. Is a considerable part of your business on Broadway? A. Well, I don't know that that is any of your business where my business is located at present. Q. Mr. Tuthill, where is your business located at the present? A. I told you at 52 Broadway; that is my place of business, sir; if you want to find out my business, if you will call at my office I will tell you all about it. Q. In the course of your business do you often have occasion to go up and down Broadway or to cross it? A. If you will be kind enough
- 1655 to tell me what all these questions tend to, and come right to the point, I will give you an answer; but this going all around Robin Hood's barn to know where I cross Broadway, and all such immaterial stuff, I have no time to waste upon and to answer questions in relation to. Q. Mr. Tuthill, will you please state whether, in the course of your business, it is necessary and usual for you to often go up and down Broadway? A. Well, as a man doing a brokerage business, who has to go to all parts and at all times to cross Broadway and other streets at all times—perhaps I cross a hundred times a day, more or less, and I do not stop; I go, when I want to cross the street, I go right over and don't stop. Q. You do often, in the course of your business, as I understand you, have occasion to cross Broadway? A.
- 1656 Very often, sir. Q. Do you often have occasion to go on Broadway above Chambers Street? A. Above Chambers Street? Q. Yes, sir. A. Yes, sir; all the way up. Q. Above Canal Street? A. I go up Broadway as far as Fifty-seventh Street. Q. For the purpose of buying and selling oil? A. For the purpose of buying and selling oil, and other things which I am connected with. Q. What other things are you connected with? A. I am connected with a canning factory that supplies all hotels; I would say that I, in connection with my business, which takes me to every hotel in the City of New York every morning, say that I have occasion to go back and forth, in and out and all through. Q. That is all I want to find out; then, in the course of your regular business, you are frequently up and down

Broadway? A. And I would say this, that if we 1657  
only had a cable road in Broadway, with all its con-  
nections back and forth, it would save me from 35  
to 40 cents a day, if I could jump right from one car  
to the other with a transfer ticket, which I cannot  
do now.

Q. Your idea of a cable road is, that it should  
have transfer tickets? A. Yes, sir. Q. Is it your  
idea that it will be a road that will stop at Union  
Square? A. Stop anywhere the passengers want it  
to stop. Q. But it could not go any further than  
Union Square? A. No, sir; I want a road that  
will go through the back-bone of New York, all the  
way up. Q. You don't think a cable road that  
would only go from the Battery to the Union Square,  
would be good for anything? A. Not much; I 1658  
want one to go all over. Q. When you speak about  
a cable road, you mean one that will go all over?  
A. I am speaking about the principle of the road;  
I think a cable road is the road for New York City.  
Q. Then you have been talking about principles  
rather than roads in any particular place? A. Well,  
I am principally—I came here to testify as to a  
particular road on Broadway; I don't care to tes-  
tify to any other road on any other street except  
Broadway. Q. You came here for one purpose?  
A. I came here for one purpose; to give my opinion  
as to a Broadway road, in favor of a cable road  
on Broadway. Q. Mr. Tuthill, in the course of  
your travels up and down Broadway, what do you  
find in regard to the amount of travel on Broadway, 1659  
in the street; is it crowded, or not? A. You mean  
as to the vehicles carrying passengers? Q. Yes.  
A. As a general thing, most of my travels—I guess  
about half the time I have to stand up. Q. Stand  
up in what? A. In the cars. Q. In the horse-  
cars? A. Yes, sir; horse-cars are made to carry  
twenty-two passengers. Q. Mr. Tuthill, you do  
not exactly understand me; I want to know what  
you find on Broadway itself, between the Battery  
and Fourteenth Street; what is the general con-  
dition of the road? is it crowded, or is there plenty  
of room? Q. You mean as to the roadway? Q.  
Yes, as to the roadway. A. Well, some parts of  
the street, sometimes, are very much crowded, and  
other times they are not crowded. Q. What parts  
of the street are most crowded? A. Well, I have  
seen it crowded at Fourteenth Street, just about as

1660 much as I have seen it crowded down here at Fulton Street, at times a break-down will stop anything: a piling up on a street will stop everything; I have seen as big a block up town as I have seen down town. Q. You have seen a good many of these blocks? A. Well, in my lifetime, I have seen a good many blocks. Q. Do you think that Broadway, above Canal Street, is just as much crowded as Broadway below Canal Street? A. At times it is; sometimes it is not; as a general thing, it is not as crowded up there as it is below Chambers Street—isn't as a general thing. Q. Do you find Broadway, below Chambers Street, generally crowded? A. Only at certain times. Q. What times do you find  
 1661 it? A. Afternoons, when everybody is trying to get his goods down to the boat, and every truckman is trying to get ahead of his neighbor, and neither one will give way. Q. Is that so every day? A. No, sir; not every day. Q. When is it? A. I didn't make a memorandum of the day. Q. But you have noticed that condition often, haven't you? A. Yes, sir; I have noticed that condition often, but I don't think the cars would make it any worse than the stages. Q. That, I understand, is your opinion, and you think a cable road would be better than horse-cars? A. I think cable-cars would be, for those reasons; and the streets would be less blockaded, because the cable would be out of the  
 1662 way, and there would be so many less horses in the street; I think a cable would be preferable in every way. Q. In regard to Broadway, you having lived here a good while, and having been on the street a good while, do you find it more crowded, or less crowded? A. For the last four or five years, I cannot say that I have seen a great deal of difference. Q. Before the last four or five years? A. Well, ten or fifteen years ago, there were not so many vehicles as there are now; we used to have single little carts that could go in and out, and now we have these big double trucks that block up the street, and they cannot back up but what they occupy three quarters of the street; business has run from little carts into large four-wheeled trucks.

Q. And that, I presume, is a necessity of the situation? A. I presume so. Q. They have to carry more goods? A. I presume so; everything has to grow. Q. If the business grows the trucks grow? A. Yes, sir, they get bigger. Q. And the



horses have to have bigger loads, even if they don't 1663  
grow? A. Yes, sir. Q. You have told one gentle-  
man here that you think truckmen have rights  
on Broadway, what do you mean by that? A. I  
think every man has a right to go on the street, to  
go up and down the street, but he has no right to  
infringe upon the rights of others; he pays his  
license, and he has a right to the street, to a certain  
extent. Q. To what extent? A. Why to go to and  
fro through the street and to load and unload his  
goods without detriment to anybody else. Q. Do  
you think a truckman has a right to back up to the  
curbstone and unload his goods? A. I think he  
has, as long as he don't interfere with the sidewalk,  
and these people that oppose the road on Broadway,  
as a general thing, are the very men that infringe 1664  
most upon Broadway; the men that oppose the  
road on Broadway, either cable or horse-car, are the  
ones in front of whose places you cannot pass, be-  
cause they have the sidewalks blocked up, and they  
want the whole City of New York, and are opposed  
to anything that will hurt them. Q. Selfishness?  
A. Yes, sir; you know it is the rule that every man  
is for himself and God for us all, and the devil take  
the hindmost. Q. You find Broadway all crowded  
with these big trucks? A. Yes, sir; the sidewalks;  
you are speaking of the roadway now, and I am  
speaking of the sidewalks. Q. You have noticed  
that many times? A. Yes, sir, I have noticed that  
many times? Q. Whereabouts was that? A. Be-  
tween here and Canal Street, on both sides of the 1665  
street. Q. And what times of day? A. Pretty  
near all times of day. Q. Looks something like a  
wharf, don't it? A. Yes, sir, it does indeed. Q.  
Like if steamers were being unloaded? A. Yes,  
and those are the very men that want to stop the  
railroad in Broadway. Q. Don't you think those  
men have any rights to do business on the street?  
A. Of course, I think they have a right to do busi-  
ness, but they have no rights which should inter-  
fere with the public benefit, and they should not  
block up the sidewalks. Q. Do you say those men  
ever have big boxes—empty boxes—upon the side-  
walk? A. I guess there are not many who put  
empty boxes out on the sidewalk. Q. They are all  
full-loaded boxes? A. To a certain extent I sup-  
pose they are. Q. They are boxes either coming to  
their store or being taken away from their store?

- 1666 A. I never made any inquiry about it. Q. Have you ever seen them there on Broadway after dark? A. I don't go down Broadway after dark. Q. Don't you think those men have any rights to take those out of their front doors and put them on a truck? A. Certainly they have. Q. Why have they? A. Because every man has a right to do his own business, but I say that no man must infringe upon your rights, or my rights, or the rights of the public; I think the public has as much right as those people. Q. But how is he going to load his goods there? suppose they were the firm of Teft, Weller & Co.; do you know that place? A. Yes, sir, I know of them. Q. They are a big concern; and now suppose they have got a lot of goods that
- 1667 they have received for their six or seven hundred clerks to sell during the day, and they are coming in from the steamer, and they have sold six or seven hundred packages to be delivered that day; now, it is your idea of the business that they have a right to load and unload those? A. No one denies them the right to load or unload; but I say that they must do it at such times and in such ways as to not interfere with the public. Q. What do you mean by that? A. To get them off of the sidewalk as quickly as they can, and not to shut up the passageway. Q. And get them off their trucks as quickly as they can? A. Yes, sir. Q. And to load them as quickly as they can? A. Yes, sir. Q. You would give them the right to put them on their
- 1668 trucks? A. That is a right they all have; that is a right that every man has, as long as he don't interfere with the sidewalk, and don't violate an ordinance.
- Q. As long as they do that, you think those people ought to be allowed to carry on their business? A. Yes, sir. Q. But as soon as they violate an ordinance, you would shut them up? A. No, I think if they violated an ordinance—well, that is something out of my province; I don't know anything about that. Q. But your idea of a cable road on Broadway is that it would deprive these people of the right to load or unload their goods? A. By no means; I don't believe in anything of the kind; but I say that every man should have his rights, and that a cable, or horse road or any other road should have their rights. Q. Are you in favor of monopoly? A. Monopoly, well, I don't think I am in

favor of a monopoly a great deal ; I am a good deal 1669  
 of a Democrat ; I am in favor of the largest improvements for the largest number, and that is the reason I am in favor of a cable road ; I think the road that carries the most passengers and at the least expense, is the one that we ought to have ; the passengers would go in quicker time ; that is the reason I am in favor of a cable road ; I am in favor of the largest good to the largest number. Q. Not on account of your individual interest as a stockholder ? A. No, sir ; I don't own a dollar of stock in the cable road. Q. You don't think a cable road would hurt the merchants on Broadway between here and Canal Street, any more than a horse railroad ? A. No, sir ; I think it would benefit them ; Q. Do you know how wide cable cars are ? A. I think they are 1670  
 about the same width as the horse-cars ? Q. Do they take any more room for their tracks ? A. I don't think they do, sir. Q. How about the track ; is it any worse for teams ? A. No, sir ; I believe it is better for teams. Q. Did you ever hear of a cable road being so fixed that trucks could be hitched on to it to be pulled up or down ? A. I think they could pull a truck, if one should get stuck ; I should think they could. Q. Is it your idea of a cable road that they should also carry on their road up and down, these big boxes on their cars ? A. Well, I never gave that a thought as to whether they should make that a freight road or not. Q. What do you say has made Broadway the finest street in the world ? A. The spirit of the American people more 1671  
 than anything else. Q. Has not the spirit of New York had something to do with it ; A. Ain't they the American people ; it was the go-aheadativeness of the Yankee character. Q. Has not New York's great commerce and wholesale business built up Broadway, in your judgment ? A. I don't know, any more than its particular situation is such that its harbor is open at all times, with its nice rivers, that give egress and ingress to all the commerce of the world ; and its wharves with plenty of water ; I don't know anything that has done more to it than that, and I believe this is the indomitable spirit of New York. Q. That is, the great chance that New York has, as a commercial port, and the spirit of the people has built up New York ? A. Yes, sir. Q. Isn't that the same thing that is going to keep Broadway the finest street in the world ?

1672 A. Yes, sir. Q. You don't want anything to happen that will make the grass grow on Broadway, do you? A. There was a story told once, that—  
Q. Never mind the story; your idea in testifying here—you want any improvement in Broadway that will help Broadway, and also help the whole city? A. Yes, sir. Q. Are you considering so much as to whether it will help Broadway, or as to whether it will help the whole city. A. It will help both the city and Broadway; what helps Broadway helps the city. Q. What helps Broadway helps the city, and what helps the city helps Broadway? A. Yes, sir; Broadway is the main artery of the city. Q. Yes, sir; and anything that hurts the commerce of New York would hurt Broadway. A.

1673 Yes, sir, to a certain extent. Q. What do you mean by that? A. There are a good many businesses in New York that are not on Broadway. Q. In your oil business, is there much carting up and down of oil on Broadway? A. Well, some little; but it is mostly done from the factories. Q. It comes from them? A. Yes, sir. Q. You are not an owner or stockholder in the Standard Oil Company? A. No, sir. Q. Or in any horse-car company? A. No, sir. Q. Or in any cable company? A. No, sir. Q. Mr. Tuthill, you spoke of your business in canned goods? A. I do sell a good many of them.

Q. You sell a good many of those canned goods, and deliver them to various parts of the city? A.

Yes, sir; deliver them by wagons. Q. Do you own

1674 any wagons? A. No, sir. Q. How do those wagons go up and down town? A. Well, by horses. I believe. Q. With horses? A. Yes, sir. Q. What part of the city do they travel mostly; do you know whether they go in Broadway much? A. Well, I don't know where; I generally take the orders and send them to the factory, and they send the goods on. Q. You simply are in the business of soliciting the orders? A. I send the orders to the factory. Q. And have not much to do with the delivery? A. No, sir; how they get them here and deliver them—whether they carry them on their backs or send them by trucks, or not—I don't know. Q. Have you much knowledge of the city west of Broadway? A. No, sir; not much. Q. Have you any knowledge of the general condition of the other streets of the city, east and west of Broadway, below Fourteenth Street? A. Fulton Street. Q. East and west of

Broadway, below Canal Street? A. I know them <sup>1675</sup> generally in going up and down and to and fro. Q. Do you find on those streets a good deal of business? A. Yes, sir; they are all full with business—always; what business they do I don't know. Q. How do you find them as to passage; many vehicles in them? A. Yes, sir. Q. Generally crowded? A. Sometimes I presume they are; I never stop to inquire; I go by them and pay no attention to them; I am only a casual observer as I go through; if I had supposed that I was going to be asked all these questions, Mr. Beaman, upon all these points, I should have looked them up.

*Mr. Beaman:* As I understand it, Mr. Tuthill, you have stated the reasons why, in your opinion, the cable road would be better than a horse railroad, <sup>1676</sup> and you have explained the matter of speed, but you have never ridden on a cable road? A. No, sir. Q. And have no personal knowledge of cable roads? A. No, I haven't any personal knowledge—no individual knowledge. Q. And are not a mechanical expert yourself? A. No, not a mechanical expert; but I have got some ideas in my head, and I can understand things when I see them and read about them, and when I hear about them I can understand them. Q. Your connection with this steam motor that you spoke of, were you there as an engineer? A. No, sir; I was a stockholder, and had a great interest in having the thing introduced. Q. But you were not the engineer of the company, or a mechanic? A. No, sir; I was one of the stockholders <sup>1677</sup> and the secretary of the company, and I had a great interest in getting it introduced as a means of rapid transit, and we ran it for sixty days upon the Third Avenue Railroad, and I say there was no frightening of horses there.

*By Mr. Fuller:*

Q. Just one word; in regard to the merchants obstructing Broadway, do you mean that merchants have no right to put their boxes out in the morning on the sidewalk and allow them to remain there all day, and then take them in in the evening? A. I did not say that, nor I did not suppose they would do that; but I say every man has a right to conduct his business in his own way, so long as he does not interfere or infringe upon the rights of his neighbor; as long as he does not do that he has a right to put

1678 his goods out and take them in as he pleases. Q. If they do that, they do obstruct travel on Broadway? A. To a certain extent. Q. Do you think the grant for a railroad on Broadway should be given without conditions that they should carry passengers the length of the island, with transfer tickets, for five cents? A. That is my idea, sir.

*By Mr. Bright :*

Q. Mr. Tuthill, where are the goods that you deliver at the Fifth Avenue Hotel received? A. In Twenty-Fourth Street, sir. Q. Are they dumped upon the sidewalk? A. No, sir; they are carried right into the building, sir, through a side door on Twenty-fourth Street. Q. There is a passage-way to 1679 the basement, where the trucks and carts come with their freight? A. Yes, sir; and the coal, and everything can go right in - are driven right through that door. Q. And in that way, there is no obstruction either to the sidewalk or to the street? A. No, sir. Q. That is the same system that Claflin has adopted in West Broadway? A. I don't know; I have no knowledge as to that. Q. Have you ever noticed that there is an entrance there for trucks? A. Yes, sir, I have noticed that there is an entrance there for trucks; I have seen them load and unload there. Q. And ostensibly for the same purpose of carrying them directly into the building? A. Whether they do that, sir, I don't know. Q. But that is the purpose of it? A. Yes, sir, I suppose so. Q. Is the 1680 same true of Garner? A. I don't know that I ever noticed Garner; I very seldom go down in that neighborhood. Q. I don't know that that is so myself; but certainly there are two instances where proprietors are enterprising enough to provide for an entrance to their own premises for loading and unloading of merchandise, instead of occupying the space of the public? A. Yes, sir.

*By Mr. Beaman :*

Q. I think you said you have seen trucks standing at Claflin's loading there? A. Oh, yes, sir; I have seen some there at West Broadway backed up there. Q. You have no particular knowledge of this passage in Claflin's? A. No, sir; I know there is a passage on one side of the building. Q. But whether it is used for loading or unloading, you

don't know? A. No, sir, I don't know. Q. This 1681  
 matter about the Fifth Avenue Hotel, where is it?  
 A. On Twenty-fourth Street, right next to the thea-  
 tre; they drive their coal and everything right in.  
 Q. And there is an area in the building where they  
 load or unload? A. They take their teams right  
 into the building. Q. You don't know of any other  
 buildings in the city except those two that have  
 such opportunities? A. The Windsor Hotel has  
 one on Forty-sixth Street. Q. Any other? A. I  
 don't know of any other; but many of the leather  
 men down in the Swamp do the same thing.

*Commissioner Vance:* Park & Tilford's new store  
 have that.

*The Witness:* Yes, Park & Tilford's at Fifty-  
 eighth or Fifty-ninth Street.

Q. Do you know Park & Tilford's store on Twenty- 1682  
 first Street and Broadway? A. I only know that  
 they have a store there. Q. Have you seen them  
 delivering and receiving goods there? A. Only the  
 wagons backed up to the door, that is all. Q. You  
 have seen at Twenty-first Street and Fifth Avenue,  
 whole rows of wagons loading and unloading there,  
 haven't you? A. Yes, sir, I have. Q. And they  
 don't load on Broadway, but load and unload on  
 nearly the whole block there on Twenty-first Street  
 between Broadway and Fifth Avenue; you have no-  
 ticed that, haven't you? A. I have seen wagons  
 there; I don't know that they use the whole block.

Q. Not the whole block, but a large part of it.

*Mr. Bright:* I suppose that would be a very  
 strong argument against people having a right to 1683  
 have a railroad through there.

*Mr. Beaman:* I don't know.

*By Mr. Bright:*

Q. You spoke, Mr. Tuthill, of its being a common  
 thing among the leather men in the Swamp? A.  
 Yes, sir, to back in. Q. Into their premises? A.  
 Yes, sir. Q. And occupy their own premises with  
 their freight and boxes? A. If you ever noticed a  
 man going along with a load of leather on a wagon,  
 you will find that he has got the slings under the  
 leather, and when he takes it in, it is taken right  
 off altogether that way. Q. And while that prac-  
 tice of loading and unloading goes on, the truck is  
 in the house, and don't obstruct the street? A. No,  
 sir; not at all.

1684 *By Mr. Beaman :*

Q. Those business houses are all practically big store-houses there? A. Yes, sir. Q. In regard to the City of New York, haven't you often noticed that at the Fifth Avenue Hotel there is a good deal of dumping of coal right on the sidewalk? A. No, sir; they always take it right in. Q. Isn't it, as you walk up and down Broadway, a common thing to see coal delivered right on the sidewalk—on the sidewalk or on the street? A. In front of the buildings? Q. Yes, sir. A. I don't know about that. Q. Don't you know that walking up and down Broadway, we see that frequently? A. There is a good deal of coal on the sidewalk. Q. Yes, there is a good deal of coal on the sidewalk, and that is the case that they receive their coal that way? A. Yes, sir; and when the coal is delivered there, there are vaults into which they put it. Q. And your understanding is that they have a right to load and unload in front of their own building? A. Yes, sir; it would be a pretty note if a man could not unload in front of his own building.

JOHN J. MCGOLDRICK, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows :

*By Mr. Beaman :*

1686 Q. What is your first name, Mr. McGoldrick? A. John. Q. What is your business? A. Hack business. Q. How long have you been in that business? A. Fourteen years. Q. Where do you reside? A. 318 West Thirty-seventh Street. Q. You say you are in the hacking business? A. Yes, sir. Q. What is that business as distinguished from the livery business? A. Well, livery business is—they have work from either a hotel or a stable, and we have the privilege of driving all over the city and soliciting the work wherever we want. Q. You are what are known as licensed hackmen? A. Yes, sir; licensed hackman. Q. You don't keep any stable where you can be found, but you are driving around in various parts of the city, or are at the public stands? A. Yes, sir. Q. How many hacks do you own? A. Three. Q. And where are those hacks stationed? A. Thirty-third Street and Broad-



way. Q. You have licenses for your hacks? A. 1687

Yes, sir. Q. Are they two-horse hacks or one-horse

hacks? A. One-horse hacks. Q. Those hacks are

owned by you? A. Yes, sir. Q. And what ar-

rangement do you have with the drivers about their

pay; do you pay them so much a day? A. Pay

them so much a week. Q. This is your business,

then—running three public hacks? A. Yes, sir.

Q. What license do you have to pay for them to the

city? A. \$2, sir, and \$1 for a renewal. Q. \$2 for

what? A. \$2 for a license and \$1 for a renewal.

Q. These hacks of yours, what particular right have

they to stand on this place where they do stand, any

more than any other place? A. Well, we were

granted the right by the Mayor. Q. To stand at

that place? A. Yes, sir. Q. Are there any partic-

ular hours that you have a right to stand there? is 1688

it limited, or can you stand there all day and night?

A. All twenty-four hours if we feel disposed to do

so. Q. And it is on what street, do I understand

you? A. Thirty-third Street and Broadway. Q.

Between Broadway and what street? A. At the

junction of Broadway and Sixth Avenue. Q. Ex-

actly; right in there by the elevated station? A.

Yes, sir. Q. Are there any other hackmen licensed

to stand there? A. Yes, sir. Q. About how many

hacks are ordinarily standing there? A. Probably

there stand fifteen there day times, and twenty-five

night times. Q. Is there any such thing known as

a Hackmen's Association—Hack-Drivers' Associa-

tion? A. Yes, sir. Q. What relation do you bear

to that association? A. I am President thereof. Q.

How many hack-drivers are members of that asso- 1689

ciation? A. Some two hundred. Q. Can anybody

belong except hack-drivers? A. No, sir. Q. How

many stands for hackmen are there in the City of

New York—general public stands? could you name

any of them? A. I can name the whole of them,

but I cannot call them by numbers; they are known

by numbers. Q. If you will give them by location

that will do. A. Broad Street is one. Q. Broad

Street? A. Yes, sir; Broadway, Beaver Street to

Wall, City Hall Park—west side— Q. The east

side, is it not? A. The northern and west side;

Union Square, the north and west side; Madison

Square, west and south side; Thirty-third Street

Square, both sides, the whole Square; Forty-third

Street to Forty-fourth Street, the junction of Broad-

- 1690 way and Seventh Avenue ; Forty-sixth Street to Forty-seventh Street, at the junction of Broadway and Seventh Avenue ; Fortieth Street to Forty-second Street, both sides of the tunnel ; I think that is about all ; there are some few more that I cannot mention. Q. But you have mentioned the principal stands used ? A. Yes, I have mentioned the principal stands used. Q. Are there any stands at the ferries ? A. Well, at the ferries, about fifteen minutes before the trains are due, all ferries or railroad depots, and theatres and such like, fifteen minutes before the theatre comes out, for instance, or a train is due at a ferry—anything of this kind. Q. Hacks are standing, I see them in Wall Street sometimes, by the Custom House ; is there any place there that they have a right to stand ? A. There is not.
- 1691 Q. Then these are certain specified places where the cabmen have a right to stand waiting for orders ? A. Yes, sir.

- Q. About how many licensed hackmen or cabmen are there in the City of New York ? A. I think there are about 1,500. Q. Do these cabmen, to a considerable extent, own their cabs too, do you think ? A. Generally they do. Q. These cabmen you have spoken of—these 1,500—does that include these cabmen that belong to the Cab Co. Limited, so called ? A. They are not. Q. But those men can be licensed as you, as I understand you ? A. Yes, sir. Q. But these men that you speak of are outside of that company ? A. Outside of that company. Q. To what extent, in their business, do hackmen or cabmen, such as you are speaking about,
- 1692 use Broadway between Fourteenth Street and the Battery ? A. How ? Q. To what extent do they use Broadway in their business ? A. Use Broadway principally ; they do the general part of their driving from Fourteenth Street down, on Broadway. Q. That is, the general part of their business below Fourteenth Street is on Broadway, if they are going up or down ? A. Yes, sir. Q. What is the general character of the business of hackmen during the daytime ; isn't a good part of it going up and down town ? A. Yes, sir ; the majority of it is. Q. During the daytime ? A. Yes, sir ; during the daytime. Q. Why do they use Broadway more than the other streets running north and south below Fourteenth Street ? A. Because it is the best thoroughfare. Q. Best thoroughfare ? A. Yes, sir, Q. What do

you mean by that? A. Well, it is the least block- 1693  
 aded; you can walk at all—you can move along;  
 there are sometimes, for instance, West Broadway  
 is blockaded for half an hour; railroad cars being  
 there, they block it, and it blocks everything else,  
 and you can't even cross West Broadway; there are  
 blocks there sometimes for half an hour; if there is  
 a block on Broadway it is only for a few moments  
 —a stage or something stopped—and after a while  
 it goes on, and you can make much better time on  
 Broadway than on any of the side streets. Q. Is  
 that so as compared with the side streets above  
 Canal Street? A. Yes, sir; about as far as Four-  
 teenth Street. Q. How is Broadway as compared  
 with the Bowery and Fourth Avenue? A. Oh, it is  
 much better for driving; for instance, tracks are  
 injurious to our vehicles, when we get in, and get 1694  
 over on the Bowery it generally tears up our vehi-  
 cles, more or less, and you cannot drive except in a  
 railroad track, because it is all railroad tracks there.  
 Q. How about West Broadway? A. West Broad-  
 way! Q. You have spoken of its being very  
 crowded. A. Yes, sir. Q. How about South Fifth  
 Avenue? A. South Fifth Avenue is very good from  
 Fifth Avenue down to Canal Street—it is very good.  
 Q. There is an elevated railroad above it, running  
 right above the horses heads! Yes, sir. Q. But  
 no horse-car tracks? A. Yes, sir. Q. Do cabmen  
 use that somewhat? A. Well, yes, sir; but princi-  
 pally Broadway. Q. In coming down here from  
 your stand in Thirty-third Street, how do you come  
 down, in driving a cab? A. I generally cross over 1695  
 to Fifth Avenue, and drive down Fifth Avenue to  
 avoid the Broadway track there, from the stand to  
 Twenty-third Street; then instead of going down to  
 Seventeenth Street, I drive another block out of the  
 way down Fifth Avenue to Seventeenth Street. Q.  
 Down Fifth Avenue to Seventeenth Street? A.  
 Yes, and then Seventeenth to Broadway—Sixteenth  
 or Seventeenth Street to Broadway. Q. And then  
 you go to Union Square where there is a wide pas-  
 sage? A. Go to Union Square where there is a wide  
 passage, and then down to Fourteenth Street, and  
 through Broadway all the way down. Q. Is that  
 the usual course of cabmen, as far as you know,  
 coming from your stand? A. Yes, sir; they all  
 avoid, as much as possible, the railroad track. Q.  
 Why do cabmen avoid streets in which there are

- 1696 railroad tracks? A. Well, you cannot go along as quick; at the sides there are generally some wagons standing on each side, and to get in after a railroad car, you have to make the same time that it does, and you have no chance to pass; and we want to make a little better time than the railroads do; also we tear up our vehicles on those tracks; that is the reason why we wish to avoid all streets and avenues where there are tracks. Q. What effect would it have upon the use of Broadway, for hackmen's purposes, and your purpose, and the public purpose so far as you are a convenience to the public, if there was a double track horse railroad running up and down Broadway, between Fourteenth Street and the Battery, the tracks being placed outside, say 15 feet apart, and the cars extending from one side to
- 1697 the other of the tracks, say 18 feet, substantially as you see them in Broadway, between Eighth Street and Twenty-first Street? A. I think it would be very injurious to our business, and I think it would be next to impossible for to get along: merchants, bankers and brokers that we carry to and fro, would be very liable to get out and leave us.

- Q. Because you could not get along? A. Because we could not get along. Q. Why could not you get along, in your opinion? A. Well, where there is a railroad track, I always find blocks; on Broadway, below Canal Street, or south of Canal Street, in the mornings—up to ten o'clock in the morning—it is very hard to get along at the present time, and make any kind of time; it is pretty well jammed up, and, if there was a railroad track there, it would be next to impossible to get along. Q. What time do you say it is pretty well jammed? A. Well, from say eight o'clock to ten o'clock in the morning, and then in the afternoon, a couple or three hours again, and a few hours in the centre of the day it is not quite so badly blocked up. Q. Do you, in your business, drive often up and down Broadway yourself? A. Quite frequently. Q. Then you think that there is a dull time in Broadway of a few hours? A. Say from half-past ten o'clock to half-past one, in that neighborhood. Q. And before half-past ten and after half-past one, Broadway is more crowded than usual? A. Yes, sir. Q. Please explain a little more to the Commissioners, why, in your opinion, you would make poorer time in

Broadway if there was a horse railroad there, such 1699  
as I have described? A. Well, for instance, I can  
drive up Broadway until I get to Seventeenth Street,  
when I am coming up-town with a party, turning  
down Seventeenth Street to Fifth Avenue—that is  
one block—and I can head off a car at Twenty-third  
Street and Fifth Avenue, which will leave me one  
block further ahead, and will leave me to travel one  
block further than if I came up after a car, up from  
Seventeenth Street to Twenty-third Street. Q. Then  
if you were, as I understand you, following up a car  
in the ordinary time of day, on Broadway, and got  
to Seventeenth Street, and wanted to go to the Fifth  
Avenue Hotel as quick as you could, you would  
cross over to Fifth Avenue, and then go up Fifth  
Avenue, instead of going on Broadway? A. Yes,  
sir. Q. And that is something that you have often 1700  
done, in your experience? A. Yes, sir. Q. And  
you think it would be the same effect on Broadway?  
A. I think it would be the same on Broadway. Q.  
On Broadway lower down? A. Yes, sir; on Broad-  
way lower down. Q. Is Broadway, below Four-  
teenth Street or below Canal Street, more crowded  
than Broadway is above Seventeenth Street? A.  
South of Canal Street it is more crowded. Q. And  
the class of vehicles, how are they below Canal  
Street; what are the great class of vehicles that you  
find in Broadway—the great class of wagons? A. I  
think they are composed of everything, all kinds of  
trucks and carts and stages and carriages of all  
kinds. Q. Which, in your opinion, would be  
most of an obstruction in Broadway, a certain num-  
ber of stages, or a certain number of horse-cars? A. 1701  
By all means the horse-cars would be the most ob-  
struction. Q. Why so, why are the stages better?  
A. Well, there are several blocks on Broadway  
where a man cannot—for instance, there is a break-  
down on the railway track, it requires some fifteen  
or twenty minutes to remove it, and in that fifteen  
or twenty minutes there will probably be three or  
four blocks of railroad cars, and block the whole  
thoroughfare, and by every block there is a block  
on each side; when there is a truck backed into a  
sidewalk loading up, it is impossible to get between  
the truck and the railroad car, and consequently all  
hands are blocked. Q. Whereas if there were only  
omnibuses, you could get through? A. Then we  
could move along; and then if there is a block it is

1702 not much of an obstruction, because we can go around it, and the omnibuses, they can go around it, but a railroad car must stop right on the track.

Q. And when the railroad car stops, it stops not only what is behind it on the track, but then you cannot get between the car and the sidewalk, if there is a vehicle standing there? A. If there is a vehicle standing there, as is very often the case from Canal Street down to this neighborhood, trucks backing in and unloading goods, a man could not pass between the front of a truck and the railroad car; now that truck can stand there probably fifteen minutes, ten to fifteen to twenty minutes, loading up, and during that time there is a block, and of course you have to remain there. Q. That would be so whether the truck was backed up, or whether

1703 it stood sideways, wouldn't it? A. Well, I believe if it stood sideways, a single truck could pass then between the truck and the railroad car—just about—but it would be a pretty hard matter even to do that, because Broadway is very narrow from Canal Street down to about this neighborhood.

Q. In regard to that, of course, you have no knowledge—no exact knowledge—because that would depend upon the exact number of feet? A. Yes, sir. Q. How wide are your cabs, for instance, from the ends of the hubs? A. They are, I believe, six feet. Q. Do the ordinary cabs track in the railroad tracks, so that both wheels will go in the tracks? A. My hind wheels do, the forward wheels don't. Q. The forward wheels are a little narrower? A. Much narrower; the hind wheels of some track.

1704 and some don't; very few do track; some of them do, but I should say one-half probably don't. Q. You spoke of going up and down with men during the business hours of the day; is that a considerable part of your business? A. Considerable; yes, sir. Q. Have you contracts with some people by which you call for them mornings? A. I have not; but there are several men that have. Q. Which, in your opinion, would go faster from the Battery to Fourteenth Street on Broadway, a horse-car or an omnibus? A. I think it would, taking in consideration the block, as it will be if there was a car there, a stage would make much better time. Q. What time of the year is Broadway most used by the truckmen and cabmen, in the Winter or Summer? A. About the same, because they prefer driving

there to any other street. Q. Has the elevated road 1705 affected the cabmen's business up and down town very much? A. It don't seem as it has. Q. That is, the people that used cabs, use them still? A. Yes, sir.

*Mr. Beaman :* If your Honors please, you understand about these matters ; to some extent your Honors will see that this is the same class of witnesses that I have had, yet they are different men ; they are very different in various ways, and yet cannot be called a different class of people. That is all I want to say.

*Cross-examined by Mr. Bright :*

Q. Do you, in fact, carry passengers daily in streets and avenues of the city where there are rail- 1706 road tracks? A. Yes, sir. Q. Your daily business requires that? A. Yes, sir. Q. Suppose that you wished to go from the Young Men's Christian Association to the Grand Central Depot, how would you go? A. I would drive through Twenty-third Street to Madison Avenue and up Madison Avenue. Q. Suppose that you should go from the Park Avenue Hotel to Catharine Ferry, how would you go? A. I would drive Broadway to Chambers Street, or to Reade, rather. Q. Would it be more direct to take Fourth Avenue, the Bowery and New Bowery? A. It would be more direct. Q. Do you ever do it? A. Take Fourth Avenue? Q. Yes, sir. A. No ; I never drove more than three times in fourteen years 1707 all the way down that way. Q. It is more direct, the streets are wider, and yet you, and I suppose all cabmen, would go to Broadway in preference to the the other road, is that so? A. On account of— Q. Without giving a reason, it is the fact that you would do so? A. Yes ; for the reason of the rail-road tracks— Q. No, no ; I don't want the reason now ; I am only getting the facts ; my learned friend wants opinions, and I don't ; I want facts ; which do you find to be the greatest obstruction to travel in Broadway, trucks or stages? A. Trucks. Q. Why? A. Because they are a slower vehicle. Q. Do they always walk, whether they are loaded or unloaded? A. Not always ; generally they do. Q. Generally they do? A. Yes, sir. Q. Do they refuse to give way to you? A. Oh, by all means. Q. Suppose you wish to go from the Eden Musee—do

- 1708 you know where that is? A. I do. Q. Suppose you wish to go from the Eden Musee to the ferry at the foot of West Twenty-third Street, how would you go? A. If I was in a great hurry I would go the railroad track—would go in Twenty-third Street; if I was not in a hurry I would go to Twenty-second Street, though I would lose two blocks, yet I would prefer going that way; it would require a little more time going that way, yet I would prefer Twenty-second Street, if I could spare the time. Q. I suppose it would cost about 30 seconds of that time? A. About that; no, about a few minutes. Q. That question of saving 30 seconds would induce you to take the railroad street? A. Oh, no; to save about two minutes. Q. That consideration would lead you to take the railroad street? A. Yes.
- 1709 sir. Q. Notwithstanding the tracks? A. Yes, sir. Q. And you would incur all the perils of the railroad to save that time? A. Yes, sir; that is if the party wanted it. Q. Do you often have occasion to go, say from the Eden Musee, or from that block, to the ferry at the foot of West Twenty-third Street? A. Very seldom. Q. What do you suppose accounts for that? A. I don't stand on the location. Q. Do you suppose that it is the presence of the railroad there that will take people for five cents; do you think that has anything to do with the infrequent calls upon you for that service? A. I don't know, sir; I cannot answer that because I am not there; I said— Q. You cannot answer it; unless
- 1710 you say you can answer it, I want you to leave it. A. I can answer about going to the ferry; I go very frequently to the ferry that I have reference to. Q. What? A. I go very frequently to the ferry that you spoke of; I drive very frequently to the Twenty-third Street Ferry. Q. But not from the block between Sixth and Fifth Avenues to the ferry? A. No. Q. But from other directions you go there? A. Yes. Q. And when any persons wish to go from that block, in the neighborhood of the Fifth Avenue Hotel, to Sixth Avenue, for some reason or other, they don't call your cabs to do it? A. No; they call the cabs, I suppose, that stand in the location; don't call me because I don't stand there. Q. Suppose that I wished to go from Fifty-ninth Street and Seventh Avenue, down Seventh Avenue to Forty-fourth Street, and then down Broadway to the Battery—Forty-fourth Street is the junction of Broad-



way and Seventh Avenue, I believe—suppose I 1711  
 wished to make that trip and back by one of your  
 cabs, what would you charge me? A. From where?  
 Q. From the Park. Fifty-ninth Street, down  
 Seventh Avenue to the Battery, and back? A. We  
 would be entitled to about \$2.50.

LEWIS W. MELAHN, called as a witness on behalf  
 of Mrs. Boreel and the Board of Trade and Trans-  
 portation, being duly sworn, testified as follows :

*By Mr. Beaman :*

Q. Mr. Melahn, where do you reside? A. 156  
 East Eighty-seventh Street. Q. What is your busi-  
 ness? A. Hack-driver. Q. How long have you 1712  
 been a hack-driver? A. Four years. Q. Where  
 do you stand? A. I generally stand on Madison  
 Square. Q. You have a license to stand at any  
 regular stand? A. Yes, sir. Q. You have heard  
 Mr. McGoldrick testify, haven't you? A. Yes, sir.  
 Q. Do you think of any other places in the city  
 where the hackmen or cabmen are allowed to stand,  
 except those that he mentioned? A. No, sir; I  
 don't, sir. Q. Do you own your own cab? A. I  
 own my own cab, sir. Q. Do you own more than  
 one? A. One, sir. Q. You are in the business, then,  
 of driving your own horse and cab under a license  
 from the city? A. Yes, and have been in the busi-  
 ness four years for myself, but I was in business for 1713  
 others before that.

Q. Before that you drove for others? A. Yes,  
 sir. Q. But since these four years, you have been  
 in the business of driving for yourself? A. Yes,  
 sir, for myself. Q. What are your general hours,  
 Mr. Melahn? A. Well, I generally go down town  
 in the morning, I carry a gentleman, Mr. McClinty,  
 to 276 Pearl Street, and I bring him down every  
 morning; I leave his house at quarter to eight in the  
 morning, and I bring him up again at half-past four  
 in the afternoon. Q. Where do you take him from?  
 A. From Nineteenth Street and Broadway to 276  
 Pearl Street. Q. And that you do every morning?  
 A. Every morning. Q. 276 Pearl Street is where?  
 A. Between Fulton and Beekman. Q. And you call  
 for him every night at what time? A. Half-past  
 four. Q. And then you go where? A. To Nine-  
 teenth Street and Broadway. Q. What is your

- 1714 usual route up and down? A. Well, I generally go through Nineteenth Street to Fifth Avenue; down Fifth Avenue to Fourth Street; through Fourth Street to Broadway; down Broadway to Fulton Street; through Fulton Street to Pearl and turn up. Q. How do you generally go home at night? A. Well, about the same way that I go down in the morning. Q. You do this under a regular contract with him, I suppose, at so much money? A. So much money. Q. And you only take him up and down? A. Well, of course I pull on the Square in the day time, and get whatever I can during the time that I bring him down in the morning, and take him back at night. Q. What do you do in that time? A. I stand generally here at the Park stand.
- 1715 here now; I used to go up; now I stay down here. Q. You get to the best place you can on the Park stand then, and stay there waiting for something to do until it is time to go back again? A. Yes, sir. Q. And after you have got back at night, what do you do? A. Well, I sometimes pull on Madison Avenue Square, and sometimes I go home—according to what I see is up there; if I see there is any business doing, I pull out there, and if I see there is nothing doing, I go home. Q. And it depends somewhat upon the weather, too, perhaps? A. Yes, sir, sometimes. Q. What is the best kind of weather for cabmen; rainy days? A. Well, I like a pleasant day for me. Q. Is that the best for business? A. Well, I don't know; some thinks wet, and some
- 1716 dry; but I would sooner prefer a dry day than a wet day. Q. You have only one horse? A. That is all, sir. Q. And you feed him down on the stand here, I suppose? A. I do at noon-times; yes, sir. Q. How long have you been doing that for Mr. McClinty; I mean how long have you been in this contract with this man? A. Well, this year I have been doing it now for about seven weeks. Q. Before that you had the same arrangement with him? A. Oh, yes; before. Q. Mr. Melahn, why do you take this course that you do take in going from Nineteenth Street? A. Well, I do that to shun the railroad tracks. Q. It is longer, isn't it? A. Well, it is longer, yes, sir; but it is worse where the railroad tracks are; as a general thing in the morning, he generally wants to go right to his business, and where there is a railroad track, there is always something—there is a wagon standing or something and

to shun that wagon, you have to go on the railroad track, and stick behind the railroad cars, and that always takes up some little time; if I was to follow the railroad track from Nineteenth Street down to Fulton Street it would take me nearly three-quarters of an hour to come down; now I can drive from Nineteenth Street to Fulton Street in about thirty minutes, usually. 1717

Q. Coming this route that you take? A. Yes, sir. Q. You think if you came down streets where there are railroad tracks it would take you at least fifteen minutes longer? A. Yes, sir; it would, certainly, and there would be more or less stoppage in it! Q. Please state whether or not it is difficult in a street where there are horse-cars for cabs to go any faster than horse-cars do? A. Well, of course, in a street where there are horse-cars, and there are wagons on each side, you have got to follow the car, and you cannot go by it unless you break your wagon, and any man that thinks anything of his wagon, he doesn't want to break it, because he has to pay for fixing it, and you have to take the consequence of staying at the back of the car. Q. And, of course, in streets where there is plenty of room, you can cross? A. Yes, sir, by running chances of being struck by the cars; if the driver means to pull up for you and let you go by, all right; if he does not, two chances to one he might strike you. Q. Why do you keep so far down Fifth Avenue as to Fourth Street? A. Well, I have got the railroad track from Nineteenth Street to Seventeenth Street, and I take Fifth Avenue right down because it is clear from Nineteenth Street to Fourth Street, and go through Washington Square, and that is clear, and I ride all the way down, and I haven't anything to trouble me at all; I may have a wagon up or down, but that is all; there is no railroad track. 1718

Q. What condition do you find Broadway in, as you come down in the morning daily, where you strike it at Fourth Street? A. Well, when I strike into Fourth Street, they come into it from the side as I go down, and every street from Fourth Street clear down, until you get to Chambers Street—every street, east and west, they keep coming right in. Q. Who keep coming right in? A. Trucks and wagons that go down to business. Q. Loaded or empty? A. Empty; some, of course, loaded. Q. Some going up? A. Some going up. Q. And some going

1720 down? A. And some going down. Q. Are there many cabs on Broadway about that time? A. Well, not a great many; half a dozen or a dozen, probably. Q. Where do you find Broadway is most crowded at that time in the morning? A. Well, generally from Broome Street down. Q. From Broome Street down until you get to Fulton? A. Yes, sir; until I get to Fulton. Q. As you come back in the afternoon—about half-past four you leave? A. Yes, sir. Q. Why do you go back the same route instead of going back the shortest way? A. Well, I come back the same road because generally, from—well, from Fourth Street to Fourteenth Street it is blocked, and then again from Seventeenth to Nineteenth. Q. By “blocked” do you mean absolutely blocked? A. No, sir; not absolutely blocked, but trucks, you know, going home or trying to deliver a load, where every one will, of course, take the best road they can, and most everybody is on Broadway because they have no car tracks there, and they can go up that way. Q. You come home this way because it is the best way for you? A. Yes, sir; because it is the best way for me and is the easiest way for me, too. Q. And the quickest way and best way for your horse? A. Yes; the quickest and best way for my horse. Q. And that is all the object that you have in driving in one street or another, I suppose? A. That is all. Q. How do you find Broadway about that time of day—more or less crowded than in the morning? 1721 A. Well, generally crowded in the evening when I go home, from the time I leave Fulton Street until I come home—from one end to the other. Q. More than it is in the morning? A. Yes, sir; a great deal. Q. And you cannot get back so quickly going up? A. No, sir; I cannot. Q. What time do you make going back? A. I never time myself; I never took the time going back, but generally I am at the office at half-past four, and sometimes I am delayed there a few minutes, and I always take my own time going up; I generally go the way the horse feels; if she feels well I go quick, and if she don't feel so well I don't go so quick. Q. She don't feel as well in the evening as she does in the morning, does she? A. Yes, sir; she does.

Q. But your object is to go up as well as you can in the evening? A. Yes, sir. Q. Do find Broadway more crowded? A. Yes, more crowded in the

afternoon than it is in the morning. Q. What parts 1723  
of Broadway do you find most crowded in the after-  
noon? A. Well, generally from Chambers Street,  
I may say from Fulton Street to Canal Street. Q.  
What are the trucks carrying; amost everything?  
A. Yes, sir, almost everything—dry goods particu-  
larly. Q. Do you see many trucks being loaded on  
Broadway or unloaded? A. No; some places you  
see the trucks backed in unloading, and some load-  
ing up. Q. Is there much travel on Fulton Street  
from Pearl to Broadway? A. Yes, a great deal of  
it—a good deal of it. Q. Does that go right across  
from Fulton to the next street or does it turn? A.  
Fulton Street goes from east and west, and straight  
across the city. Q. And straight across the city?  
A. Yes, sir. Q. But you are standing here a good  
deal on these stands, right here? A. Yes, sir, right 1724  
here on the corner. Q. What, in your opinion, is  
the most crowded time as you see Broadway? A.  
Well, it is from about half-past ten to about, well,  
about half-past one or two. Q. That is as you see  
it, the most crowded? A. Yes, sir. Q. That is, it  
is most crowded right here then? A. Yes, sir, right  
here. Q. Have you ever seen any wagons or trucks  
broken on Broadway? A. Well, very seldom, and  
when they do, the officers on the beats generally try  
to get them out of Broadway and get them into the  
side streets mostly. Q. Why is that? A. To keep  
the road clear. Q. Are there officers stationed up  
and down Broadway for that purpose? A. Well,  
there are for such purposes as that, and for the  
crossing, you know, so that people can get from  
one side to the other. Q. Do the cabmen standing 1725  
here at this stand at the Park get much business  
during the daytime? A. Well, quite a little. Q.  
Where is that business going? A. Well, up and  
down both; we get passengers from business  
houses, and banks and all such work. Q. Ordinarily  
in the daytime, how many calls would you have?  
A. Well, sometimes you may have four or five or  
half a dozen, and some days you cannot get one or  
two, and sometimes probably one, and some days  
nothing. Q. How many cabs are standing there  
generally? A. Well, there are generally in the  
neighborhood of thirty or thirty-five there. Q. And  
they stand there and each man takes his chances?  
A. And each man takes his chances. Q. And pulls  
in where he gets a chance? A. No, sir; if each

- 1726 stand is full, we go down Chambers Street, and the first man pulls on Chambers Street is the first man gets on the line. Q. Which is the head of the line? A. Well, there are two heads: one head is at Chambers Street and the other at Mail Street, half one way and the other half the other way. Q. Moving right up from the centre? A. Yes, sir, right up from the centre. Q. What, in your opinion, Mr. Melahn, would be the effect upon your business, and upon the interest of the public, so far as they make use of your cabs, of having double horse-car tracks upon Broadway, from Fourteenth Street to the Battery, with cars running thereon—the ordinary cars, as we see them in New York. A. Well, I think it would be an injury to both the public and to Broadway. Q. Will you explain what
- 1727 you mean? A. Well, there is probably a truck backed in each side of the streets, trucks probably 16 or 18 feet long, a truck backed in on each side, and one car going down and one car going up, and consequently both cars would have to stop and let them two trucks unload, and all the traffic on Broadway would have to stand dead still until the two trucks were unloaded, and then all the cars go on, and the wagons go on. Q. What effect would that have on the public? A. Well, there would be a delay in shipping goods, and perhaps you are going to the banks; suppose I have got you in a cab and I have got so much time to get you there; if I had a clear road, I could get you there, but if I am blocked for five minutes or ten minutes in a certain place, I cannot get you there in time, and therefore I think
- 1728 Broadway as it is now, you can go up and down it, and of course, if you are blocked, you can't do it; but with the stages, you can get around from one side to the other, where, if you have a car, the car can't get off the track.

Q. Mr. Melahn, you were speaking as to how you thought such a horse railroad on Broadway would damage the public; you also say that it will damage the property; is that so? A. Well, I did not say that; I spoke about the travel and about the delay of the goods that may be shipped. Q. That is the delay in shipping goods? A. Yes, sir; shipping goods, and wagons going up and down. Q. What, in your judgment, would delay the shipping of goods most, a certain number of omnibuses or a certain number of horse-cars. A. A certain number

of horse-cars. Q. Why, so? A. Because they have 1729  
only one way to go; they have got to go up and  
down in the centre of the street or avenue, while  
the stage can go in and out; and if a truck is backed  
in there, he can go right along the curb, and sling  
out and go by, and go about his business. Q. How  
about if there are obstructions in the street, like  
something broken down, or repairing the street, or  
digging it up, or anything like that; which is the  
best then, omnibuses or horse-cars? A. Well, I think  
the omnibuses. Q. Which, in your opinion, would  
make the best time from the Battery, the ordinary  
time of day, a horse-car or an omnibus? A. Well,  
the way it is, an omnibus would; because they could  
go right in and out; of course these cars have got  
to run on time, and they may run on time part of  
the way, but I don't think they could run on time 1730  
on all parts of Broadway, from the City Hall to the  
Battery, or from Fourteenth Street to the Battery.  
Q. You think they could not make time? No, sir;  
I don't think they could. Q. Why not? A. Be-  
cause there is too much travel on Broadway, and  
they could not make their time. Q. Suppose the  
cabmen had to put up with these things on Broad-  
way—tracks—is there anywhere else they could go  
except on Broadway; would they have to go up  
and down Broadway? A. There are other streets,  
of course; but they don't care to go on account of  
the car-tracks. Q. Suppose there were car-tracks  
on Broadway, would there, in your opinion, then be  
any other way for the cabmen to go up and down  
town than to go by way of Broadway? A. Well, I  
don't know; Broadway is the straightest, and on 1731  
Centre Street there are car-tracks all through there,  
and there are in Church Street, and on South Fifth  
Avenue, and West Broadway, there are car-tracks  
there. Q. I suppose they would have to do the  
best they could? A. Yes; they would have to do  
the best they could, to go up and down, too; of  
course they wouldn't make the time as they make  
now. Q. But there is nowhere else they could go?  
A. Well, of course, there is other places they could  
go. Q. But there is no better place? No, sir; no  
better place. Q. And there would not be any better  
place, even if horse-cars were up and down? A.  
No, sir; I don't think there would be. Q. Which  
is the worse on Broadway, in the way of blocking  
and taking up room, the omnibuses, or the same

1732 number of trucks? A. Well, the same number of trucks. Q. Why? A. Because they are a good deal slower than omnibuses; an omnibus, if he sees a space ahead of him, that he thinks he can go through without blocking the street, he is going to get to that spot without blocking it; the truck, he is slow, and has a load on, and he cannot get through, and, consequently, he has got to take the chances of getting stuck. Q. As to omnibuses driving up and down down, is it your opinion that they go about as fast as they can? A. Yes, sir. Q. They try to make what time they can? A. Yes, sir. Q. As you see them, you don't think they are loitering, but you think they are doing the best they can? A. Yes, sir; there is not much time made from the time they leave any of the ferries until they get in the neighborhood of Fourteenth Street. Q. They have got to wait sometimes? A. Yes, sir; and they have got to go in and out; but when they get to Fourteenth Street, they can make a little time as soon as they get above that; the Ninth Avenue and Madison Avenue have got to take their chances from Seventeenth Street to Twenty-third Street, and then from there the Madison Avenue line goes up Madison Avenue, and they have a better chance.

Q. The question that I want to bring to your attention is whether, when you stand here and see these omnibuses a good deal, you think the omnibus drivers make the best time they can? A. Yes, sir: they do the best they can.

1734 *Cross-examined by Mr. Bright:*

Q. Do they go as fast as you can? A. No, sir. Q. Do they go half as fast as you can? A. Yes, sir. Q. Just about half as fast? A. Well, a little faster than half as fast. Q. A trifle faster than half as fast? A. Yes, sir. Q. That is about the speed of a stage? A. Yes, sir. Q. If you met a procession—if you know there is a procession in Broadway when you want to take your customer down-town in the morning or up-town at night, how do you go with him? A. Well, I do the best I can—according to where the procession is, and according to the time it takes to go by. Q. Suppose it is a procession that makes it necessary for you to get out of Broadway, where do you go? A. It doesn't make me. Q. I say suppose it requires you to get out of Broadway? A. It is very seldom I have one as late, as I



go up at half-past four ; at half-past four it is sel- 1735  
 dom there is anything of that kind on Broadway.  
 Q. No, no ; don't get away from the question ; sup-  
 pose that you met one, how would you go up-town ?  
 A. Then I would pull right in a side street. Q.  
 Stand still ? A. Yes, sir ; I would, and see the pro-  
 cession ; I would want to see it myself ; and as soon  
 as it got by I would go up. Q. You wouldn't leave  
 Broadway, if you could help it ? A. No, sir. Q.  
 You say that you generally go down Fifth Avenue  
 to Fourth Street and then into Broadway ? A. Yes,  
 sir. Q. That would imply that you sometimes take  
 some other route ; what other route do you take ?  
 A. I take the same route every morning, sir. Q.  
 Then you don't make any change ? A. No, sir.  
 Q. Do you drive down into Pearl Street ? A. Yes,  
 sir. Q. Right under the elevated road ? A. Yes, 1736  
 sir. Q. Will your little mare stand that ? A. I do,  
 sir. Q. Will the mare stand it ? A. Yes, sir. Q.  
 Don't mind it ! A. No, sir. Q. Will you tell me  
 why you should not go down South Fifth Avenue  
 to Canal Street ? The elevated road don't frighten  
 you ? A. No, sir ; the elevated road don't frighten  
 me, but the grease coming down from the elevated  
 road frightens me to take Broadway. Q. Is that  
 the reason you don't take South Fifth Avenue ? A.  
 That is the reason. Q. The grease that drops down  
 from the cars ? A. Yes, sir, and the water. Q.  
 Are there no guards there to prevent that ? A.  
 Drops coming down all the time ; sometimes you  
 get a little blocked there, but not for over a second  
 or a minute. Q. No such blocks as you meet in  
 Broadway ? A. Well, there is very seldom that 1737  
 you meet a block in Broadway. Q. Broadway,  
 then, is quite free ? A. Well, it is in regard to  
 blockage. Q. Seldom that you meet a block in  
 Broadway, from any cause ? A. Well, yes, some-  
 times we do. Q. I understand you to say seldom !  
 Is it frequent or seldom ? A. No, it is seldom. Q.  
 Then if all the stages were removed from Broadway,  
 the occasion for blocks would be reduced to that ex-  
 tent ? A. If they were altogether moved off, cer-  
 tainly. Q. Are you in the habit of sometimes using  
 streets where there are railroads ? A. I am, sir.  
 Q. If I came to you for employment at your stand  
 at the Park, would you take me wherever I wanted  
 to go ? A. I would, certainly. Q. You wouldn't  
 refuse because it would take you into any railroad

1738 street? A. No, but I—— Q. No, no; you wouldn't refuse? A. No, sir; I would not. Q. Very well; do you make frequent short trips in Broadway? A. Yes, sir. Q. There is really a great demand for that, isn't there? A. Yes, sir. Q. Upon your cab and upon other cabs? A. Yes, sir. Q. It is a very important traffic? A. Yes, sir. Q. Your observation shows you that there is a large class of people who want to make constant short trips below Canal Street? A. Yes, sir—well, not below Canal Street. Q. How high up? A. Very seldom they go below Tenth Street or Fourteenth Street.

Q. From Tenth Street down you find that there are people who frequently want to make trips on Broadway? A. Yes, sir. Q. In that distance? A. Yes, sir. Q. Sometimes down towards the Battery, 1739 also? A. Yes, sir. Q. Going to banks and offices, &c.? A. Yes, sir; and stopping to get a drink once in a while. Q. Supposing I wanted to go from my office, at 150 Broadway, up to Canal Street and back, what would you charge me? A. From where, sir? Q. 150 Broadway to Canal Street and return. A. Canal Street and back; charge you \$1.50.

*By Mr. Beaman:*

Q. People can go into omnibuses now for five cents, if they want to? A. Yes, sir.

*By Mr. Bright:*

Q. Your observation is that lots of people would sooner pay you \$1.50 than to get in the stages? A. 1740 No, sir, it is not that; it is to get there and back to the office in a hurry. Q. You think that you have a right to carry people, if they want to be carried, that distance? A. Yes, sir; I would carry a man from the Park to Canal Street for half a dollar; but the law allows me a dollar and a half to go up and back; but I would carry anybody for half a dollar; if anybody should come to the cab and say: "How much will you charge me from the City Hall to Canal Street?" I would probably say a dollar, and he would say, "Pay you a half," and I wouldn't allow that gentleman to go away; I would get that half a dollar. Q. Then, when you were talking to Mr. Bright, when he asked you what you would charge, you meant that that was what you were allowed to charge? A. I said what the law would al-

low me ; I have got my rates there, and I never 1741  
 asked anybody more than the rates allow me. Q.  
 Do you think you have a right to solicit passengers  
 on this stand where you are ? A. Yes, sir. Q. Do  
 you think you will have a right to do it just the  
 same when there is a railroad there ? A. I think I  
 will have the same right to solicit them, provided I  
 can stand there. Q. Provided they would let you  
 stand there ? A. Yes, sir. Q. Mr. Bright has  
 asked you if you were asked to go through certain  
 streets whether you would do so ? A. Yes, sir. Q.  
 Is it not a fact that you are bound to do so, under  
 your license ? A. Gentlemen, I can be compelled  
 to go anywhere, if a man pays me. Q. And if Mr.  
 Bright wanted you to go on horse-car tracks you  
 would have to go there ? Q. Yes, sir ; he could  
 compel me. Q. As a matter of fact, do you find 1742  
 any of your customers who want you to go on  
 horse-car tracks ? A. No, sir ; none that I carry,  
 and I carry some as good as there is in New York.  
 Q. And do you find that they object to horse-car  
 tracks ? A. Yes, sir.

AUSTIN J. RICHARDS, called as witness on behalf  
 of Mrs. Boreel and the Board of Trade and Trans-  
 portation, being duly sworn, testified as follows :

*By Mr Beaman :*

Q. Mr. Richards, what is your name ? A. Austin  
 J. Richards. Q. Where do you reside ? A. 28  
 Downing Street. Q. What is your business ? A.  
 Cabman—hackman. Q. Where do you stand ? A. 1743  
 I stand on the City Hall Park, generally. Q. Do  
 you own your own cab ? A. Yes, sir. Q. And the  
 horse ? A. Well, no, I don't own the horse. Q.  
 You don't own the horse, but you own the cab. A.  
 Yes, sir. Q. How long have you been a cabman ?  
 A. In the neighborhood of four years I have been  
 running it for myself. Q. Have you regular cus-  
 tomers that you get in the morning, or at night ?  
 A. No, sir. Q. What time do you go on the stand ?  
 A. Well, about nine or half-past nine, according to  
 what time I get up, generally. Q. You take your  
 first position on the stand here at the City Hall ?  
 A. Yes, generally. Q. And what time do you put  
 the horse up at night, generally ? A. Well, about  
 seven o'clock. Q. About seven o'clock ? A. Yes,  
 sir.

- 1744 Q. Then your business, substantially, is a cabman, standing here at the City Hall Square, and getting what business you can here? A. Yes, sir. Q. In the course of your present work do you make much use of Broadway? A. Oh, yes. Q. Do you have occasion to go up town much? A. Yes, sir, occasionally. Q. And up to where? A. Well, sometimes one place and sometimes another. Q. Do you go up town more than you do down town? A. Well, it is about an even thing. Q. Do you go to Brooklyn and Jersey also? A. Well, occasionally. Q. To what extent do you, in your business, use Broadway, or prefer it to other streets? A. Well, we steer clear of railroad tracks as a general thing, you know; that is the idea. Q. What, in your opinion, is the busiest time on Broadway, so far as  
1745 wagons are concerned? A. Well, I should think in the afternoons; I find it that way; all along from two to three, or four o'clock; to half-past four o'clock, along there. Q. What effect, in your judgment, would it have upon your business, and upon the general traffic in Broadway, if there was a horse railroad track upon it—a double track—and cars running on it? A. Well, I think it would bother us some. Q. How bother you? A. Because it would be in the way. Q. Bother you any more than the same number of omnibuses? A. Yes, sir. Q. Why? A. Well, they have a railroad track, and the omnibuses, as the gentleman said before me—they can go in and out—they can go in and out with a stage when they can't with a horse-car. Q. Which  
1746 would make the best time on Broadway, in your judgment, from the Battery to Fourteenth Street, the cars or omnibuses? A. Well, I should think an omnibus would.

*By Mr. Bright:*

Q. Do you think that the cars would take more passengers than the stages? A. Carry more passengers? Q. Yes. A. Well, really I could not say about that: I don't know. Q. What is your opinion about it? A. I don't know that I have ever had an opinion upon it; I never thought of it.

GEORGE BUTTERLY, called as a witness on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

*By Mr. Beaman :*

1747

Q. What is your business? A. Hackman. Q. Where do you reside? A. 240 Mulberry Street. Q. How long have you been a hackman? A. Four years last Christmas. Q. Have you ever driven a hack in any other city than New York? A. No, sir. Q. Do you own your own hack? A. Yes, sir. Q. And the horse? A. Yes, sir. Q. Any more than one? A. No, sir. Q. You have heard some of the other hackmen testify about the various stands in the city, haven't you? A. Yes, sir. Q. Do you remember any other public stands than those they have mentioned? A. No, sir. Q. Where do you generally stand? A. Here, in the City Hall. Q. Do you drive for regular customers that you take down town daily in the morning? A. No, sir. Q. 1748 What time do you generally come to your stand? A. Between seven and eight. Q. And what time do you usually put up your horse? A. About seven, or half-past six. Q. Is your business substantially standing on this stand and getting such business as you can; you taking your chances? A. Yes, sir. Q. You, of course, in that position, are familiar with the condition of Broadway, as you see it there opposite the stand? A. Sir! Q. You are familiar with the condition of Broadway, then? A. Yes. Q. Which part of Broadway, in your judgment, is the most crowded? A. Well, the most crowded part is between Chambers Street and Liberty Street. Q. Between Chambers Street and Liberty Street? 1749 A. Yes, sir; that is about the most crowded with trucks; the most backing in of trucks is between Canal Street and Reade, or Duane. Q. That is the most crowded with trucks? A. Yes, sir. Q. And this is the most crowded with all kinds of vehicles? A. Yes.

Q. What time of day do you consider it most crowded? A. In the evening. Q. In the evening—what do you mean by evening? A. Oh, between two and half-past four or five o'clock. Q. Have you been standing on this stand for some years—ever since you have been in business? A. Since I have been in business. Q. Are there many funerals going up and down Broadway now? A. I don't remember the funeral business except they come from down town. Q. There are not many funerals passing there over the ferries, as you see them, coming down Broadway? A. No, sir; I

1750 don't remember it generally. Q. What are the principal vehicles passing this stand, as you see them? A. Truck, stages, wagons and carriages and coupes—wagons of all kinds. Q. Is there any time of day when the truckmen are occupying the streets more than any other time that you notice? A. Well, when they are loading up. Q. But they are going up and down all times of day? A. Yes, they are going up and down all times of day. Q. You are familiar with the horse railroads as they exist in the City of New York here, and have seen them? A. Yes; I have seen them. Q. What effect would the existence of a double track horse railroad on Broadway have upon your business, going up and down Broadway, and upon the general traffic on Broadway? A. Well, I think it would be a great  
 1751 delay. Q. A great delay? A. Yes, sir. Q. To what? A. To travel of any vehicles. Q. How so? A. Well, a truck will get backed in here and another will get backed in there, and a car will come in here to get passengers and then you will have to stop behind a car until it moves on again, when the stages are moving in and out and leave the way clear; they are not on one track all the time and the cars are. Q. That is the result of such experience as you have had in driving? A. Yes, sir.

*By Mr. Bright:*

1752 Q. Are there many short trips in Broadway for cabs? A. Yes, sir; sometimes. Q. People in the lower part of the city want to go up and down a few blocks? A. Yes, sir; sometimes. Q. Is that quite common? A. Well, oftentimes; yes, sir. Q. And is your cab often employed for such trips? A. Well, sometimes; I have enough sometimes, and sometimes I am not employed at all the whole day.

THOMAS J. MOSS, a witness, called on behalf of Mrs. Boreel and the Board of Trade and Transportation, being duly sworn, testified as follows:

*By Mr. Beaman:*

Q. Where do you live, Mr. Moss? A. No. 6 Carmine Street. Q. What is your business? Cab driver. Q. Do you own your own cab? A. Yes, sir. Q. And the horse? A. Yes, sir. Q. Where do you stand? A. Generally at the City Hall Park.

Q. Do you own more than one, Mr. Moss? A. No, 1753  
 sir; that is all, sir. Q. How long have you been a  
 hackman? A. About eleven years. Q. All the  
 time in this city? A. All the time in this city.  
 Q. Never driven anywhere else? A. No, sir; never  
 driven anywhere else. Q. Most of that time have you  
 stood here at this stand? A. Well, I stood a con-  
 siderable time up to Union Square too, but this last  
 three or four years I am altogether down at the City  
 Hall; in the afternoons I go down to New Street  
 and Broad Street. Q. Do you have any regular cus-  
 tomers? A. Well, I have gentlemen that I carry on  
 and off but not by contract. Q. Gentlemen that  
 you know and that know you? A. Yes, sir; and  
 when I run across them and they want to ride, they  
 patronize me. Q. Because they happen to know 1754  
 you? A. Yes, sir. Q. These gentlemen that you  
 take up town there, where do you take them to  
 mostly? A. Well, generally as far as the New York  
 Club, the Union Club, and the New York Hotel,  
 sometimes to the Windsor, or to the depot; I can't  
 tell where, but as a general thing they are mostly  
 club men—they go to the Union Club or New York  
 Club, the Fifth Avenue Hotel, and so forth; that is  
 about as high as they ride. Q. Do you carry many  
 people to the depots? A. Well, not since the ele-  
 vated railroad started; long travel is pretty well  
 knocked in the head, except they have baggage, and  
 if they have baggage they are compelled to keep out  
 of the elevated cars. Q. Do you carry many people 1755  
 to the ferries? A. Well, on and off to all the ferries,  
 occasionally.

Q. Do you carry many people up and down Broad-  
 way or up Broadway, below Fourteenth Street? A.  
 Below where, sir? Q. Below Fourteenth Street?  
 A. Well, generally every day I go up and down  
 Broadway, below and above, too. Q. In your ex-  
 perience of ten or eleven years in Broadway how do  
 you think Broadway is now compared with ten years  
 ago as to crowds? A. Well, I think that every day  
 the traffic is increasing and that the street is too  
 narrow now as it is for the traffic that is on it; I  
 think that it should be much wider; we are blocked  
 with our cabs every day on Broadway, and we can't  
 get through at all, even as it is now; we have to  
 dodge in and out and do the best we can and take  
 our chance of being broken up as it is now. Q.  
 When you speak of blocks, do you mean chock-a-

- 1756 block, as the boys say, when there is no passage, or do you mean that you are delayed? A. Well, I mean—I don't mean exactly a block—I mean that we cannot make good headway on account of the number of vehicles that is on it, that there is no room for them, and we are compelled to take Broadway because we have no other street we could go through on the west or the east side which is proper for a cab to drive through on account of the railroad tracks and one thing or another, and then the loss of time; people patronizing cabs, you know, they don't want you to go to the right or to the left, but they want you to go up Broadway; that is their street; see? and we do the best we can and go up Broadway; a person or a gentleman taking a cab don't want to take any side street at all; he would rather take a car if he has to go in a side street; he is paying one dollar or one dollar and a half to go two or three miles, and he wants to go through Broadway; and if he went in the side streets he might just as well take the cars or the elevated railroad; he wants to be seen and to see; that is the idea. Q. And that is your business, taking him up? A. Yes, sir. Q. Wouldn't he go by Broadway quicker than any other way? A. Yes, sir; we can make quicker time on Broadway, as it is now, because, take Church Street, and those streets on the east and west, there are railroad tracks running there and you can't make any headway, and then you would have to lose the time of driving this way or that way.
- 1758 Q. How is it about the trucks on Broadway, as you see them there? A. Well, for the same reasons as we are; that is the best route for them to go through; they don't want to go and drive through these other streets—these narrow streets—that have not got the accommodations, and as a general thing it is out of their way, their business lying mostly along Broadway; see? Q. They have got to load and unload somewhere near Broadway? A. As a general thing, yes, sir; well, you take the street here right on the right, which is Elm Street, the first street, from here up, and certainly a truck could not go through there very well; then, on the west is Church Street, and that is altogether too narrow for their trucks, and the horse-cars take up the most of that; so you see they drive through Broadway through compulsion, as they have no other thoroughfare, and it is the same way with us. Q. You can't go anywhere else:



A. That is the only street we have got—Broadway—1759  
 from the Battery to Fourteenth Street, and there is  
 not any question about it to a man who drives upon  
 it, it is not now large enough by any means for the  
 main street of the City of New York ; it is altogether  
 too narrow. Q. What would be the effect of putting  
 a horse-car road in it ? A. Well, certainly it would  
 be outrageous, in my humble opinion ; it would be  
 the biggest outrage I ever heard of to run a double  
 track through Broadway which is the only street we  
 have got left ; and there is no necessity for it ; we  
 have got ample means to go up and down town  
 now ; there are cars now on each side of Broadway,  
 and the elevated railroads—the Second and Third  
 Avenues and the Sixth Avenue, and there are the  
 stages on Broadway and the cabs of all prices, and  
 I don't see the use of putting a double railroad on  
 Broadway : that is my opinion ; I think it would be  
 an outrage on the property owners and the people  
 and those who drive through the streets. Q. How  
 is it on the truckmen and the business people that  
 have to load and unload ? A. Worse still than on us.

Q. Why worse ? A. Because we can, if we are  
 pushed, swing around, and they have got to unload  
 their dry goods, &c., there ; we can, if we are pushed  
 to it, swing around, but they would hurt our busi-  
 ness, of course ; as I said before, people that we  
 carry want to go on Broadway. Q. Suppose there  
 was a double horse-car track up and down Broad-  
 way, do you see any place where these truckmen  
 could go, or would they still have to stay on 1761  
 Broadway ? A. I don't know what we are coming  
 to if you are going to put a double track on Broad-  
 way ; I don't see how the business men are going to  
 do their business, I don't, with the blocks, &c., and  
 one thing and another ; certainly you see how it  
 is yourself ; you can't cross the street yourself with-  
 out taking big chances of being run over and getting  
 killed ; and the advantage of stages over horse-cars  
 is that they can pull all over the street the same as  
 a cab ; then, if there was a heavy fall of snow on  
 Broadway, what would the horse-cars do—why,  
 they would sweep the snow off of Broadway and put  
 it on the side of the street, and then certainly the  
 trucks could not back in, and you could not go  
 through there. Q. But you could if they got it  
 carted off ? A. Well, if they got it carted off, but  
 after a heavy fall of snow that takes time to cart off,

- 1762 and that would delay other business for a long time; we have had no snow this Winter. Q. What would these cabmen do with these double tracks on Broadway; would they still have to go up and down Broadway and make the best of it? A. We would still have to go up and down Broadway and make the best of it; we have no other street at all; the traffic on the west and east streets is too large, too, you know; we have not got sufficient room in the lower portion of the city at all for business, as almost everybody must have noticed; for hours and hours there are blocks; I have been stuck for two hours in a block, and then probably lose my call—could not get nowheres; had to wait patiently; that is not this Winter; I think it was last Winter. Q.
- 1763 Where do you find these worst blocks? A. Well, the worst portions of the city, as the other driver testified, is below Chambers Street; that is the worst portion; that is where the block generally is. Q. Are these blocks that you speak of in Broadway or West Broadway, or some of these other streets? A. In Broadway; and when there is a block on Broadway there is also a block on the east and west streets, because they are always doing the best they can to get out of the block, and that makes a complete block all over—Nassau Street on the east side and Church Street on the west side; and I have run down as far as the river to try to get around, to work around out of the block, and have had to give it up, and wait patiently for hours to get out. Q.
- 1764 What occasions all this; how does it happen? A. Well, when Broadway is slippery, sometimes in the busy season of the year, round the holidays, and a great deal of goods are shipped and one thing and another, see? and then we have a heavy fall of snow, you know, see? there is a great many reasons for blocks—there is great many reasons for blocks. Q. You speak of this time when you had to go around to the river; why could not you go through the other streets? A. I have tried the east and the west; I have a party, say, down in New Street, and I go as far as Barclay Street and Broadway and then I look ahead and see—well, as far as Fulton Street—a dead block, see? and then, so as not to lose a call, I would sometimes—I might swing into Nassau Street and I could not get through, and I would go over to the west side and I could not get through; it would be the same way, and I would be stuck, and lose my call and lose my time. Q. What occasions

these blocks in the side streets and parallel streets, 1765  
 when Broadway is blocked? A. Well, what occasions them—for the same reasons that causes the block in Broadway; as I enumerated before, they run from one street to the other when there is a block, and would naturally swing from the right to the left, and they are all doing it coming and going, see! and the consequence is we are stuck, and we have to wait for an hour or two hours, and we can't get through; and my experience is, for the last eleven years, that I am swearing every day; we can't get through the streets at all; by rights they should make room for us—by rights Q. You didn't see that there was a bill introduced in Albany for a new street right up town? A. Certainly there ought to be some better street; they have done it on West Street, which is a great good. Q. Do you 1766  
 find West Street crowded? A. Well, certainly from Canal Street generally, and from Chambers Street down it is always crowded—a dead block; if you ever tried to get to the Fall River boat or to the Providence boat, at the foot of Warren Street, for half an hour or an hour before the boat leaves, you know how it is; we have to dump them all out there and let them cross.

Q. No chance to get through? A. Oh, yes; they get there, but— Q. I say you have no chance to get through? A. Oh, certainly we have no chance. Q. Is that so in Summer or Winter? A. All seasons of the year; more so in Summer, you know; the boats, of course, generally do the business in Summer and in the season when the people are traveling to the country, going to Newport, to Boston and to Providence, see! of course now it is not so. 1767  
 Q. Do you ever see any horse-cars blocked in West Street? A. Horse-cars! certainly; of course they have to follow the rest of us; they can't be put out to the right or to the left; if you ever took a horse-car on West Street you would have to have great patience, because you could get out and walk faster from Canal Street down. Q. Horse-cars have a bad time from Canal Street, eh? A. Well, I should think so; you could get out and walk faster. Q. Haven't you seen a lot of horse-cars there all afternoon blocked together, and people get out and walk? A. Why, of course I have; they would get tired of waiting. Q. And get out and walk? A. Yes, sir; I have seen them get out of cabs, too.

1768 *Cross-examination by Mr. Bright:*

Q. Do you have occasion to swear most at stage-drivers or truckmen? A. Sir? Q. Which do you swear most at, stage-drivers or truckmen? A. Well, it is a stand-off, I think. Q. Do you ever travel in Twenty-third Street? A. Yes, sir. Q. Ever get anywhere? A. Ever get anywhere in Twenty-third Street? Q. Yes. A. Oh, yes, sir. Q. Don't get blocked up there? A. No, never as a general thing; Twenty-third Street is a very fair street. Q. You get through there very well? A. Yes, sir; very well. Q. Do you travel oftener in Twenty-third Street than in Twenty-second Street? A. Well, it depends on circumstances; it depends on what direction I am coming from. Q. No matter about the direction; as a fact, do you travel oftener in Twenty-third Street than Twenty-second Street? A. I must say that when I am going up town I go through Twenty-second Street and avoid the railroad tracks. Q. No, no; answer the question; do you oftener go in Twenty-second Street than in Twenty-third Street? A. No, I go oftener in Twenty-second Street. Q. On account of the railroad? A. Yes, sir; on account of the railroad. Q. Suppose you could have a railroad in Broadway with no stages, and not be blocked by trucks, how do you think a railroad would affect your business? A. Much more so than the stages. Q. Be a great deal worse, wouldn't it? A. Oh, my, yes, in my judgment.

1770

NEW YORK, February 6, 1885.

JAMES MONTEITH, called as a witness on behalf of the property-owners, represented by Mr. Fuller, being duly sworn, testified as follows:

*By Mr. Fuller:*

Q. Mr. Monteith, how long have you resided in New York? A. About fifty years. Q. You are the author of Monteith's Geography? A. Yes, sir. Q. That is your business now? A. Yes, sir. Q. Do you think that a horse-railroad on Broadway would be an improvement to the property and benefit the traveling community? A. Do I think that

a horse-railroad would be an improvement over the 1771  
present system of travel? yes, sir.

Q. Which do you think would be the greater benefit to Broadway and to the traveling public, a horse railroad or a cable road on Broadway? A. A cable road, I think. Q. Will you be kind enough to state to the Commissioners your reasons for that belief, in your own way? A. Well, I have seen stages running here for a good many years, and on a visit to Chicago recently, as I went through there I saw a cable road; the first time that I saw the cable road in operation in the streets of a city—not counting in the Brooklyn Bridge, of course, I saw that before—was in Chicago, and I had but a short time to stop; and I went to see the operations of the road, and I took a ride upon one of the cars and was very favorably impressed, indeed—very favorably 1772  
impressed with it as a means of getting the people from one part of the city to another. Q. How did you find them managed in crowds; if a street was blocked, could they go through as well as horse-cars, or better? A. I thought better; I looked at it with reference to that very thing, for the reason that I am living now in a part of the city where I understand there is to be a cable road in operation, and I was a little anxious on that account and went out of my way to see how it would operate, and I stood around a corner; I think it was at State Street; I am not very well acquainted in Chicago; I think it is State Street, where there was considerable of a crowd, and I watched with reference to that, whether it would get through the crowd easily, and I came away very favorably impressed on that 1773  
point; they seemed to manage the car that I saw and watched quite as easily as horse-cars, and with as much freedom from danger. Q. Do you think that a cable road on Broadway would block Broadway any more, if as much, as the stages do at the present time—the same number of cars? A. Well, there are not so many stages now, and Broadway is somewhat relieved from what it used to be as I remember it, but I don't think that a cable road on Broadway would be detrimental to the interests of the people or of property owners; I have thought that matter over, and that is my conclusion since I saw the road in operation there. Q. Do you think that they could carry a larger number of passengers than the stages with as little blockading as the

- 1774 stages? A. Oh, yes, no doubt of it; with less, I think. Q. Do you think that they could work their way in a crowd in Broadway with as much facility as horse-cars—with as great facility as horse-cars and stages? A. I do. Q. Do they make as much noise as stages? A. No, not near so much. Q. What was your opinion in regard to the running of the cars—do they make very little noise? A. Little noise—very little noise—not so much as a stage, of course. Q. Do you think it is a benefit to property on Broadway and the traveling public to have stages on Broadway at this time? A. Well, stages are better than nothing. Q. Do you think cable cars would be far preferable to the stages? A. Oh, yes. Q. Or to horse-cars? A. Yes, sir. Q. 1775 Do you think it would be a benefit to property? A. Yes, sir. Q. What is your idea in regard to a franchise being granted to a corporation—do you think that a franchise should be granted to any corporation to carry passengers from the Battery to Fiftyninth Street for five cents? A. Do you mean five cents instead of ten cents? Q. Five cents to Fiftyninth Street; or do you think that any corporation having the franchise on Broadway should carry passengers from the Battery to Harlem River and give them transfer tickets? A. Oh, I think that it is better to carry them the greatest distance possible for the lowest price; I am speaking for the public now, and the property owners, too. Q. For the reason that it would be an immense advantage to 1776 those who are compelled to ride? A. Well, for those two reasons.

*Cross-examination by Mr. Allan Evarts:*

Q. Mr. Monteith, where do you live in this city? A. Washington Heights. Q. Do you come down town every day? A. Nearly every day. Q. How do you come down? A. By the elevated road. Q. Have you an office down town? A. Yes, sir. Q. Whereabouts? A. 111 William Street. Q. Are you familiar with the City of Chicago? A. No, sir. Q. How long ago was it that you were there? A. I was there in July last. Q. July last? A. Yes, sir. Q. It was then that you saw this cable road in operation? A. Yes, sir.

Q. For how long a time were you there at that time? A. About an hour. Q. Was your observation of the cable road confined

to that hour that you rode in Chicago. A. 1777  
 Yes, sir. Q. Is your familiarity with Chicago limited to that one hour's observation? A. Oh, I have been in Chicago three or four times, but that occasion is the only one that I took particular notice of the running of the cable cars. Q. And you have been familiar with New York City most of your life? A. Yes, sir; parts of it. Q. Is there any comparison in your mind to be made between the traffic in the streets of Chicago on which you saw a cable road and that on Broadway to-day? A. Well, State Street at that time, that I mentioned, was as crowded as I usually find it on Broadway—yes, quite as crowded. Q. At what rate of speed were these cars going? A. I took a ride with my daughter upon them, and we both were very favorably impressed; we went at a quicker rate of speed than the stages ever make here, where it would appear to be safe, where there was no crowd; but when the car would approach a crowded part of a street, or a street corner where there was quite a number of persons, I noticed that the car would slow up very easily and quickly; I went there with rather an impression against the cable road in large cities, but I came away impressed the other way. Q. How long a distance did you travel? A. Well, I went through one street—I think I went through State Street and returned by another street or avenue—I think it was Wabash Avenue; I suppose I was there on the cars perhaps three-quarters of an hour, just to look around. Q. Did you go about an equal distance in each street? A. Oh, yes; went one way and returned by the other way—about an equal distance. Q. And was State Street the only street in which crowds were encountered? A. That was the only place that I noticed a crowd. Q. But, how frequent were those stoppages in consequence of crowds being seen on the street? A. I think the main stoppage was at the corner of State Street and Madison Street or Madison Avenue—I think it is Madison Street—where there was a very dense crowd, and I was very much surprised to see how easily the car went through the crowd; the crowd separated and let them go along as easily as a carriage and team of horses would go. Q. Was this a crowd of foot-passengers or carriages? A. No, it seemed to be business men at the end of the afternoon—mostly business men. Q. Foot-passengers? A. Yes, foot-

1778

1779

- 1780 passengers ; the same as we would see on our streets here. Q. No vehicles in the roadway then? A. No, sir ; I didn't notice them. Q. To interfere with the passage of this cable-car? A. I didn't notice that. Q. In no case? A. I didn't notice any trouble from vehicles at all. Q. And do you think that a cable road passing up and down Broadway under its present condition of traffic would move as easily as the one in which you rode in Chicago? A. I do. Q. You think that State Street is quite as crowded as Broadway? A. No ; I think there are more stages on Broadway now than I saw on State Street ; with that difference, I think it was about the same ; there are more stages in Broadway than I noticed on State Street, but I presume if a cable-
- 1781 road was in running order here there would not be so many stages, so Broadway would be on an equality then with State Street, so far as stages are concerned.

*By Mr. Bright :*

- Q. Have you observed that in Broadway the number of trucks is very great? A. Yes, sir ; I have noticed that ; yes, sir. Q. And the number of cabs and hacks also great? A. In Broadway? Q. Yes, in Broadway. A. Yes, sir. Q. Is it your judgment that they throng the street so as to be sometimes a nuisance? A. I don't think I understand your question exactly. Q. Has it been your impression that the trucks, and especially the cabs and hacks,
- 1782 crowd Broadway to such an extent as to be a nuisance there? A. Well, I could not call anything a nuisance that was a necessity ; that is the best we can do ; I wouldn't say it was a nuisance, because I use a cab and carriage occasionally, and I wouldn't if they were a nuisance. Q. Your answer is a correct one having in view the strict definition of a nuisance ; I spoke in a general and practical way : now, why do you use a cab in Broadway, Mr. Monteith? A. I beg your pardon? Q. Why do you use a cab in Broadway? A. If I should want to go out of an evening I would take a cab probably ; I don't use a cab ordinarily during the day in business, I take the elevated road or walk ; sometimes I take the stage. Q. If there were commodious and well operated cars on Broadway, I suppose you would use them? A. Yes, sir.

Q. Is it your judgment that there is a necessity



for commodious and well operated cars in Broad-1783  
way? A. Yes, sir. Q. Will you state why you

think that necessity exists? A. Because stages are not comfortable, and they are not safe; the means for locomotion are not adequate that you have now, and any additional means by which people can go safely and easily from one part of the city to another would be my reasons. Q. And you think that those

conditions are not at all met by the stages? A. No, sir. Q. As to their speed, what has been your observation and experience as to that? A. Well, when I am in a hurry I get out and walk. Q. Because

you can reach your destination sooner than by a stage? A. sometimes. Q. Is it not true that it is a very common habit of drivers of stages to walk their horses a considerable part of the distance? A. 1784

Well, it has been so in my experience very often. Q. Even when there was no necessity for their doing it from obstructions before them? A. Oh, yes;

taking up passengers, I presume. Q. Irrespective of that have you found occasion to be annoyed at their habit of driving? A. Oh, yes. Q. Do you realize the fact that the car lines and the lines of travel, both east and west of Broadway are over-crowded? A.

I am not acquainted much with the lines east of Broadway; those west of Broadway are too crowded for comfort or for the accommodation of the people. Q. Is it manifest to your observation that a well-conducted line of cars in Broadway would afford

a very essential relief so far as the west side is concerned? A. What was that question again? 1785

Q. Question repeated. A. Oh, yes, sir. Q. What is your judgment in respect to the probable effect of a railroad in Broadway upon property there? A. What kind of a railroad? Q. An excellent railroad?

A. Well, an excellent railroad might damage the property; I do not know what you mean; if you will specify, I will answer; I do not think a locomotive running through Broadway would be a benefit to property. Q. No. I agree to that; I mean any

recognized railroad system that could be conducted efficiently and well and afford rapid transit; how would such a railroad affect Broadway property?

A. I think very beneficially. Q. Is it your judgment that the inconveniences that you have described as existing in Broadway have affected business unfavorably there already? A. Yes, sir. Q. What

has been its effect upon business houses and establish-

- 1786 ments? A. That I could not say, I am not well enough acquainted with business houses; I should think it would be injurious to them, because people do not travel there as much as they would if they had better means of getting to those houses. Q. Do you know whether or not it is a fact that the very prominent and most prominent business houses have left Broadway? A. I have learned so—that a great many have. Q. What do you know of property being vacant in Broadway? A. Very little; I have not paid much attention to that at all. Q. You do not know much about that? A. No, sir. Q. Have you observed that the great houses that have left Broadway—the great business houses that have left Broadway—as well as the new houses that have
- 1787 sprung up, and all the principal hotels and theatres, are located upon streets where there are horse railroads? A. Yes, sir, I have noticed that. Q. You spoke of the cars in Chicago going along rapidly; did truckmen and others in the street seem to take pains to avoid the tracks? A. I did not notice any inconvenience from that at all. Q. You didn't what? A. I didn't notice any particular fear on the part of the drivers or truckmen at all. Q. No; but did you notice a disposition of courtesy, if you please, to leave the track to the railroad and to the cars? A. Yes, sir; I may say that I sat on the front seat for the purpose of noticing those things. Q. Is it not possible that that feeling of courtesy was prompted somewhat by an instinct of self-preservation.
- 1788 A. Well, I could not state what their motives or promptings were. Q. At all events, you were struck with the exhibition of courtesy on that street? A. I merely saw that they kept the track clear. Q. I wonder if you think that that reformation could occur among our truckmen? A. Well, I would not want to disparage New York truckmen; I think they are quite as civilized as those in Chicago. Q. You think they would probably be just as courteous if there was a railroad in Broadway? A. Oh, I think so; they are quite as enlightened here as they are there. Q. And don't you think every hackman would be quite as courteous if there was a cable road on Broadway as they found it important to be in Chicago? A. Why, certainly. Q. Is it your judgment that a line of cars in Broadway would tend to blockades as stages do? I do not speak of any particular line; you may make it any

line you please, you may make it any ideal line of 1789  
cars that you please; is it your impression that  
lines of cars in Broadway would tend to obstruction  
in the street, as these cumbersome stages do? A. I  
can see where a stage can get out of the way from  
an obstruction where a car could not because it has  
to run on its tracks; but ordinarily, I should not  
think that they would be as much an obstruction to  
Broadway as the stages are now. Q. And is that  
not a very manifest fact from the consideration that  
the cars are in one place and not in all places as the  
stages are? A. To be sure. Q. What route would  
you adopt if you were going to construct a cable  
road to run from here to the Harlem River? A.  
Well, I should take the straightest possible route;  
I have not gone over the matter at all about select- 1790  
ing any streets; I should go straight up Broadway.  
Q. If you happened to go up Seventh Avenue,  
would you go right through the Park? A. Go  
through the Park? Q. Yes. A. I do not think I  
would. Q. You live quite far up-town? A. Yes.  
Q. Don't you find the elevated road a very con-  
venient means of transportation for yourself and  
your neighbors? A. I do. Q. Would any cable  
road promote your comfort and convenience where  
you are? A. Yes, sir. Q. Where would you have  
it? A. Well, I would have it just where one is now  
on Tenth Avenue up my way; there is one con-  
structed there, but not yet in operation. Q. Would  
you take a cable road run as a surface road to come  
down to William Street in preference to the elevated 1791  
road that you travel on? A. That would depend  
on the time made; I could not tell you. Q. Adopt-  
ing your observation in Chicago as the test? A.  
There might be a difficulty about the time; I think  
the elevated road through the thickly settled por-  
tions of the city would make better time; if that  
were the case I would prefer the elevated road. Q.  
Then, it is true that however many of these  
machines might plough through the upper part of  
the island, you would adhere to the elevated road,  
wouldn't it—for your own business? A. I could  
not say; that would depend upon the condition of  
things when the cable road was built. Q. We have  
disposed of that difference, and you have conceded  
that you get down quicker; now, starting from that  
point, I ask if you would not adhere to the elevated  
road however many of these schemes of cable roads

1792 should be planted in the upper part of the island?

A. I presume that for a long distance the elevated road would make better time and less stops; where I should want to go a long distance, I would take the elevated road; where a short distance, I would take the other; I would prefer the other road for some things, and prefer the elevated for some things.

Q. Did you see the process of putting this cable system down in the streets of Chicago? A. Constructing the road you mean? Q. Yes, constructing the road. A. No, sir; it had all been done when I was there. Q. Have you any idea of the experience those people went through—how it was done? A. I can answer that better by saying that

1793 not being there when the road was under construction, I could not say how it was in Chicago, but I have seen how it is up at my own place, where they have already finished a road. Q. Great trenches have been dug there, haven't they? A. Yes, sir. Q. Some three or four feet deep, and five or six feet wide? A. Yes, sir; I think so—I think about that. Q. I say about three or four; is not the trench that has been dug up there in that somewhat uninhabited region about four feet deep or more? A. Yes, sir; I guess four or five feet deep. Q. Four or five feet deep? A. Four feet probably. Q. And how wide? Six or seven feet? A. Well, I guess five feet probably; I didn't measure it. Q. And two of them at that? A. Two tracks. Q. Two such trenches in one street? A. No; I think that was all in one

1794 trench, if I remember it right; I am not sure. Q. Then it must have been nearly fifteen feet wide? A. Oh, no; not at all. Q. Then it is a single track; is it a single track or not? A. Double track; I think they had but one trench. Q. Are the tracks apparently the same width as ordinary railroad tracks? A. I think so, from looking at them just as I went by. Q. And separated from each other as in ordinary cases? A. Yes, sir. Q. Then wouldn't it follow necessarily— A. I rather think there were two trenches, come to think. Q. Two trenches, or one at least fifteen feet wide? A. Yes, sir; I think two trenches, of four or five feet each; I was out of town when they were constructed most of the time.

*By Commissioner Lord:*

Q. Does that go up and down on the same street? A. Yes, sir; the cars are not running yet, however.

Q. Is it calculated to run the cars backward and forward on the same street? A. Yes, sir; I think they had two trenches; I was out of town most of the time when they were building that road. Q. Are the gas-pipes, sewer-pipes and water-pipes lower than these trenches, which were dug for the cable road? A. I believe they are; if they had not been I would have seen them. Q. Mr. Monteith, if a cable road were running up the Boulevard and you wanted to go down to Fifty-ninth Street, and to go east or west from Fifty-ninth Street to the East or the North River, and you could get a transfer ticket, which way would you go, on the elevated road or the cable road? A. Well, I don't know that I should go either way all the time; it would depend upon where I wanted to go. Q. But ordinarily, if you could go upon a cable road and get a transfer ticket, which would you take? A. If I could get a transfer on the cable road and no transfer ticket on the elevated road? Q. Yes, sir. A. I think I would go by the cable road. Q. Do you think that a cable road running up the Boulevard to Kingsbridge and down to Fifty-ninth Street and down Broadway, would be of incalculable advantage to the property-owners and the riding community? A. I do—a road to run all over that district; I am emphatic about that. Q. Do you believe that there is any other system that could be adopted that would be so advantageous to the property-owners and the traveling community as a cable road running from the Battery and the Harlem River to Kingsbridge? A. That is the best road I know of now; I don't know what may be adopted in the future, but it is the best road I know of now.

*Commissioner Harris:* Does the grip get out of order on this cable road? A. It did not while I was there; I didn't hear whether it did or not.

*Commissioner Harris:*

Q. Suppose it gets out of order; how do they propel the thing along? A. That is something that I could not testify about; all that I saw was in that hour's stay there; I saw nothing get out of order, or any trouble from it whatever, and therefore I could not testify to what they do in such cases.

*By Mr. Evarts:*

Q. I should like to ask you one question, Mr. Monteith. In reply to a question put to you by Mr.

1798 Bright, you stated that you thought property on Broadway would be improved in value by some method of rapid transit; do you consider that a horse railroad on Broadway would be a method of rapid transit? A. Would be what, sir? Q. A method of rapid transit? A. No; I shouldn't call a horse railroad a rapid transit line. Q. Would you call a cable road on Broadway a method of rapid transit? A. Yes, sir. Q. How many miles an hour would you expect to go on such a road? A. By a cable road? Q. Yes, sir. A. I suppose five or six, or seven miles an hour in some places? Q. Do you know how fast horse-cars go generally, not taking into account the unusual blocks, but the ordinary rate of speed made by them? A. I never timed them; I could not say at all how fast they go.

1799 Q. You never noticed at all what time they made? A. No, sir; I never timed them. Q. You do not know how long it would take them to go from Twentieth Street to Fortieth Street, for instance, by the Broadway line? A. Twentieth Street to Fortieth Street? Q. Yes, sir. A. I never noticed that. Q. Do you think that they go less than six miles an hour, ordinarily, in this city, to-day? A. In the upper part of the city I think they go less. Q. You think they go less? A. Yes, sir. Q. And it is holding that opinion that leads you to suppose that a cable road would go faster than the present horse-cars, if it carried you at five or six miles an hour? A. Well, I have seen horse-cars going, but I have not timed them; I have seen cable-cars going and have not timed them; but seeing what I have of cable roads I think they go faster than horse-cars—that is all. Q. In what way would you expect a cable road in Broadway to relieve the traffic of the west side streets? A. Well, because at the present people who take the west side horse-cars—that is the cars that run on the streets parallel with Broadway, to the west of it—a great many of them would have to go to Broadway if there was a railroad there, for they are very much crowded in those streets in some of those cars. Q. You mean the horse-cars are crowded, not the streets? A. The horse-cars. Q. I understand you to mean that the traffic of the streets on the west side of Broadway would be relieved of their traffic by a road in Broadway; you only meant that the west side horse-car

1800

lines would have to carry fewer people? A. Yes, 1801  
sir; I was only speaking of the cars.

*By Mr. Bright:*

Q. Mr. Monteith, have you ever travelled in Broadway and Seventh Avenue line of cars? A. Yes, sir. Q. Have you ever gone down Broadway and down University Place, and gone down as far as the Astor House in them? A. Yes, sir. Q. Do you recognize that they travel very quickly? A. Well, I cannot say that they travel very quickly; but I think they are the best road we have—make better time than the rest. Q. You have had an opportunity of judging of that from how long observation? A. Ever since the road was constructed. Q. What is the description that you could apply to the 1802 road in its entire management and operation? A. Oh, I am only speaking of the results as far as obstructions are concerned; I do not know anything about the management of the road. Q. I mean the running management, of course; I do not mean the financial management; so far as you would observe its management as a frequent passenger, do you admire it? A. I do not know as I get the effect of that question at all, sir. Q. I might probably have confused it so that I will start again; I will make a new start; why do you say you think that that road is an excellent road? A. I have not said it was an excellent road. Q. What did you say about it? A. I said I thought it made better time than the rest.

*By Mr. Bright:* What did he say, Mr. Stenog-1803  
rapher? (Answer repeated.) Q. Then, why do you think the Seventh Avenue road is our best road? A. My reason is that I think it is a little more direct; I think the route is a little shorter—more direct; I have never found—very seldom, if ever—I cannot think now of any time that the road has been obstructed; it has run right along and made as good time—is better than the average roads; Broadway is shorter and more direct, and, therefore, I take it; it makes a little better time. Q. And does your judgment also include the condition and care of the cars? A. I have never found any fault with the condition of the cars. Q. Nor with the conduct of conductors or drivers? A. I have no fault to find.

*By Commissioner Harris:*

Q. As to a cable road from the Battery up to Fourteenth Street, do you think that would be de-

- 1804 desirable if it had to stop at Fourteenth Street; do you think it would be desirable unless it was to continue up? A. No, sir; I think it should be extended up. Q. But if it had to stop at Fourteenth Street and did not go any further north than that, would it be a desirable mode of transit, whether it ran away to the upper end of the island or not? A. Well, if a cable road were constructed and in operation from the Battery to Fourteenth Street, that would be, as I have already stated, in my opinion, a very great advantage, both to property and to the travelling public, even if it stopped at Fourteenth Street, but it would be a much greater benefit if it went further; the further it went the greater would be the proportion of benefit; it would be a very great pity and mistake, so far as the public are concerned, to have the advantages of a cable road on Broadway limited on the north to Fourteenth Street; by all means it should be pushed to the upper end of the island.

Q. In that case it would have to give transfer tickets at Fourteenth Street to some other system? A. Yes sir, or continued. Q. Assuming that the cable road stopped at Fourteenth Street, there would have to be a transfer of passengers going further north, to some other system of horse railroads or whatever there might be? Your idea is that the cable road ought to be continuous and the transit continuous so that there would be no change of cars? A. Yes sir.

*By Mr. Bright:*

- 1806 Q. Would it be your view Mr. Monteith, that this imaginary system of continuous transit should be up Broadway, continuing above Union Square, through Broadway? A. Continuing through there, or whatever would be the best route, as far north as possible. Q. Let us know where you would establish this cable line when you reach Fourteenth Street. A. I have no opinion to give there. I merely say, let it be continued north. Q. Wouldn't it of necessity, be Fourth Avenue or Broadway? A. Well, the Fourth Avenue, I think there would be an obstruction there. Q. Mr. Monteith, a cable road up Broadway to Fourteenth Street and through Fifteenth Street to Fifth Avenue, and up Fifth Avenue to Forty-second Street, and down Forty-second Street to Broadway, and right up the



Boulevard, would be a very desirable route, wouldn't it? 1807

A. Yes sir, if there couldn't be any better route.

Q. Do you think that it would be wise for the travelling community and for the benefit of the city and Broadway to have a horse railroad put on Broadway at present, to probably remain there for all coming time; do you think that would be desirable?

A. To fasten it upon this generation and the next generation?

Q. The present generation.

A. No, of course not.

Q. Do you think it would be desirable or wise to grant a franchise to any corporation to run over Broadway from the Battery—

the very cream of all the franchises on the Island—

and stop on Fifty-ninth Street?

A. No; it would be most unjust.

Q. Do you think that would be much better than stopping at Fourteenth Street?

A. How is that?

Q. As far as you are personally 1808

concerned, had you as leave be dropped at Fourteenth Street as Fifty-ninth Street, if you were going home?

A. Oh, there would be no difference.

*By Mr. Everts:*

Q. Mr. Montieth, what proportion of the persons desiring to go from a point at Wall Street, or below,

to a point above Fourteenth Street, in your opinion,

take the elevated railroads?

A. Those who live above Fourteenth Street?

Q. No, persons desiring to go from a point at Wall Street or below, to a point above Fourteenth Street?

A. How many take the elevated?

Q. Yes; what proportion of those persons, in your opinion, take the elevated road?

A. At present?

Q. At present.

A. Oh, I should think three-fourths. 1809

Q. That is why you think it would be a great advantage to have this cable road projected further than Fourteenth Street?

A. Why do I think it would be an advantage to have the cable road extended above Fourteenth Street?

Q. Yes.

A. Why for the accommodation of the people that go above Fourteenth Street;

there is a very large number that goes above Fourteenth Street.

Q. Do you think that they would take the cable road in preference to the elevated road, if it were there?

A. A great many of them would; some would go one way and some the other.

Q. What proportion of the people going over the route to-day, in your opinion, take the omnibuses?

A. People who would leave the neighborhood of Wall Street and that would go above Fourteenth Street,

1810 who would take the omnibuses? Q. Yes. A. It would be a mere guess on my part. Q. I am merely asking for your opinion. A. A very small proportion.

Q. It is true, then, that omnibuses are used for short rides? A. Yes, sir. Q. Is it not true of horse-cars? A. It is now. Q. And would it not be true, in your opinion, of a cable road on Broadway? A. Not to the same extent. Q. What is your reason for thinking that it would be otherwise? A. The travel would be pleasanter, the cars would be better and the time would be better.

1811 WILLIAM HASWELL, called as a witness on behalf of the property-owners, represented by Mr. Fuller, being duly sworn testified as follows

*By Mr. Fuller :*

Q. Are you a resident of New York, sir? A. I am, sir. Q. How long have you been a resident of New York? A. Over thirty-eight years. Q. What part of the city do you reside in? A. 525 East Eighty-sixth Street. Q. Do you think that a horse-railroad on Broadway at the present time would be preferable to a cable road? A. No, sir; I do not. Q. Do you think that a cable road on Broadway would be preferable to the stages? A. I do. Q. Do you think that the franchise of Broadway should be granted to any corporation, to carry passengers to Fifty-ninth Street for five cents, without transfer tickets? A. No, sir; I do not. Q. Do you, or do you not think that any corporation, having a franchise of Broadway, should carry passengers to the Harlem River and give them transfer tickets? A. Yes, sir. Q. You think that they should? A. Yes, sir. Q. What effect to Broadway property do you think a cable road would have? A. I think it would improve it. Q. Do you think a cable road would be a great improvement on the horse-cars or stages? A. I do. Q. For what reason? A. In the first place, a cable car does not occupy the same amount of room that a horse-car does; and would dispense with the noise and clatter of the horses feet, and it is much more easy and much more comfortable to ride on a car that is propelled by a cable than one that is propelled by a team of horses. Q. You are aware that a cable road affords facilities for riding capacity for every foot of ground that

the cars cover? A. Yes, sir; that is so. Q. And 1813  
that they could carry a much larger number of pas-  
sengers on that account? A. Yes. Q. With less  
obstruction than with the horse-cars, on the ground  
that the horses take up a great deal of room, and  
the same thing is true of stages? A. Yes, sir; and  
then it all depends on the power that they have of  
propelling those cars. Q. The power has nothing  
to do with the seating capacity? A. Well, no;  
but it has for propelling the car along; that is why  
I named it. Q. But if the propelling power is suffi-  
cient to carry the car along, they can carry a much  
larger number of passengers occupying the same  
space on the surface of the ground than the stages  
or the horse-cars? A. Well, certainly; that all  
depends upon what the size of that car is; the street 1814  
car takes up the room of the car and the team of  
horses too. Q. If I understood you correctly, you  
said that a cable car can carry many more passen-  
gers on account of their taking no room for the  
horses, and more passengers than the stages, be-  
cause there are no horses to take up the room? A.  
Why, certainly. Q. That is all I want to get at;  
would you consider it a great advantage to the city  
property owners, to have a cable road built from  
the Battery to the Harlem River, with transfer  
tickets? A. In what way, sir, a transfer ticket?  
Q. For instance, if you rode up Broadway to Four-  
teenth Street or to Twenty-second Street, and wanted  
to go east or west, they gave you a transfer ticket  
and took you east or west? A. Yes, sir. Q. You 1815  
would consider that a great advantage? A. Cer-  
tainly; the same as now in Philadelphia. Q. New  
York, you consider, is behind most every other  
city in the United States, in regard to transfer tick-  
ets? A. I do. Q. The same system should prevail  
here as prevails in Boston, Philadelphia, Baltimore  
and Chicago? A. Certainly; where it is for the  
benefit of the citizens, we ought to have it. Q.  
With the immense increase of the population here  
in New York, do you think that it is right that one  
corporation should own three or four roads, and  
make you pay every time you took a different road  
—the same corporation? A. Not with regard to  
the charging, but I have no objection to one corpora-  
tion holding two or three roads at all.

Q. No, that is correct? A. As long as their cars  
are kept in order and they furnish comfort for citi-

1816 zens traveling. Q. Do you think it is justice to the traveling community for the Broadway and Seventh Avenue railroad to take a passenger on one block above Broome Street, the passenger getting on the car by mistake, and then taking him up to Broadway and charging him five cents; and if that passenger wants to go down further, compelling him to go right back to Mercer Street, and to take a car going down to Park Place and paying five cents more? A. Well, no, sir; but mistakes will occur. Q. Should not a road having a franchise, give tickets under those circumstances? A. Yes, sir.

*By Mr Bright:*

1817 Q. Did you ever see a cable road? A. I did, sir. Q. Where? A. In Philadelphia. Q. In what street? A. Columbia Avenue. Q. How long is that road? A. That is the one they tried the experiment on; it is about four miles, I believe, about two miles out—I can't say exactly—and two miles to return; I saw the working of it. Q. What do you think of the stages in Broadway? A. Well, from my experience, I think they are a nuisance. Q. What do you think of the trucks in Broadway? A. The trucks? Q. Yes; what do you think of the trucks? A. In what way, sir? Q. Do you think that it is unavoidable to have as many of them there as we do have? A. Trucks? Q. Yes? A. No, I guess not. Q. Why do you think that? A. Well, because business is increasing all the time. Q. Do you think there are other parts of the city where they can carry on their traffic as well as Broadway? A. Certainly. Q. And is it your judgment and observation that they throng Broadway when they might carry on their traffic in the parallel streets? A. Yes, a good deal of it, in fact they do now; they make for Church Street now, make for the tracks always in bad weather; I have been riding on the surface roads 28 years; I resided in Sixty-first St. when the Third Avenue road first had their depot there on the corner, and I always noticed the trucks would always take the track, which, I presume they will do here, because they find it easy to ride in, because they have two of their wheels running on about an inch and a half of iron, and a team of horses will draw at least two tons more—if they ordinarily draw two tons, they could draw forty-five hundred easily on the railroad track; I noticed

on Saturday, in the Bowery, near Grand Street, 1819 that they did that very thing. Q. You have observed that it is a common thing for truckmen to do? A. Certainly. Q. To run in a car track? A. Yes, sir; certainly. Q. And has it been your observation that they do it from choice rather than to get on the side of the roads? A. Certainly; for the benefit of their team and their truck. Q. Have you heard truckmen testify here for several days? A. I have, sir. Q. And did you notice how studiously they avoided the rails always? A. That is what they said. Q. According to your observation, that is not altogether correct or true? A. I think not, sir. Q. You think that a railroad of some kind is indispensable in Broadway, I infer? A. I do, sir. Q. And did you hear the testimony of Mr. Mon-1820 teith, who is a very intelligent gentleman? A. Yes, sir; I did not hear the whole of it. Q. Did you agree, in substance, with his views? A. Yes.

*By Mr. Everts:*

Q. Mr. Haswell, you say that in your experience you find stages to be a nuisance? A. Yes, sir. Q. what way? A. In the first place, it is on account of how slow they go; I think why the truckmen give preference to them is, because they go about the same rate of speed as the stages; for instance, I rode up John Street here only a little time ago, and wanted to get to the Pacific Bank before three o'clock, and it wanted twenty minutes, and I was there just about a minute before closing time. Q. 1821 You have not used stages as much as you have horse-cars during the last 28 years? A. No, sir.

Q. And you think they are a nuisance because they go slower than the horse-cars? A. Certainly. Q. That is your only ground? A. Well, yes, and on account of their being crowded. Q. Oh, they are crowded? A. Yes; it is hardly possible to move at times. Q. Then a great many people like to ride in them? A. I calculate they do, if there was room. Q. What has your experience for the last twenty-eight years led you to believe about the horse-cars being crowded? A. Well, I think they are a great convenience— Q. No, no; what have you found as to their being crowded or not? A. Well, they are crowded, of course; we got the elevated road on Third Avenue, and yet in the Third Avenue horse-cars every inch of room is taken. Q. Do you go up

- 1822 and down town every day? Q. I do, sir; sometimes three or four times. Q. What method of conveyance do you use? A. Well, it all depends upon what distance I am going; if I have got to go as far as Fourteenth Street, I take the Third Avenue cars—the surface road. Q. But to your home, what route do you take? A. Oh, to my home, I take the elevated road. Q. Did you ever know, Mr. Haswell, of a loaded truck seeking a street in which there was a car track when there was a street near it, running in the direction in which it wished to go, free from car tracks? A. They prefer to go where there is a car track; I have noticed several truck-drivers— Q. No, no; I only wish to know if, of your own knowledge, you know of such a case? A. 1823 Well, I have seen them come from the side streets and go right into the avenue and take a track right away; I have been in the horse-cars when they were blocked there by trucks being in the track. Q. Is this not a fact that trucks driving in the street in which car tracks are seek the tracks instead of driving along the side? A. Certainly. Q. And is not that all you know about the habit and custom of truck-drivers respecting the use of car tracks? A. Well, I do not know; I know a little something about an observation that was made the other day about the axles being broken; we all know that axles break in severe weather much easier than in warm weather.

- Mr. Foerts*: I move to strike that all out and ask 1824 to have the question repeated.

(Question repeated.)

*Mr. Foerts*: It is a mere question as to the extent of your knowledge, and you can answer yes or no. A. Well, the benefit as regards the truckmen for driving in the track is because it is easier for his team, and I think it is safer and better for the wear and tear upon his truck. Q. That does not answer my question? A. I believe the question was whether I knew anything further respecting the truckmen going and driving on a railroad track. Q. No, no; respecting the custom and habit in regard to it? A. Well, the only custom and habit that I know of is that they go there because it is for their benefit, as I said before. Q. They prefer to drive their trucks on a track when they are in a street in which a car track is? A. Yes, sir; they prefer the track to the pavement. Q. In that street? A. Yes, in

that street. Q. And is not that all you know about it? A. And they go from another street to get on a track. Q. Did you ever know of any such instances? A. I have seen them go down Chambers Street from Broadway and go on to a track in Church Street. Q. Do you know that they were going from Broadway to Church Street because they preferred to go in a street with a railroad track? A. I presumed so. Q. You only presumed so? A. Because I saw them go down from Broadway, down Chambers Street to Church Street, and go along the track. Q. Do you know where any of those trucks were going to or from there? A. They went right ahead of us and kept us blocked until we got down to Canal Street.

(Question repeated.) A. I do not; they went down as far as Canal Street and kept us blocked. Q. This was on a side street? A. Sir? Q. This was on a street running parallel with Broadway on the west side? A. Certainly; I believe Church Street runs parallel with Broadway. Q. You stated that you thought trucks could go elsewhere than on Broadway; where would you have them go? A. Well, it would depend upon where they wanted to go; if I wanted to get a truck to take goods here and take them down to the Battery, I suppose he would go down Broadway. Q. Suppose the truck had to go from the foot of Canal Street, North River, to the Battery, how would you have it go? A. Foot of Canal Street to where? Q. Canal Street and the North River to the Battery? A. You say from the foot of Canal Street to the Battery? Q. Yes. A. I presume he would take Broadway. Q. I don't mean how would he go now; we know that pretty well; but I ask how you would have him go? A. Why, that way. Q. Why, is that the most direct line? A. It is the most direct line to go. Q. Is that so? A. I think so; from Canal Street down to the Battery, I understood you. Q. From the foot of Canal Street and North River; I repeated that twice before. A. Oh, yes; I should go along West Street. Q. You would have him go West Street? A. Yes. Q. Have you traveled in West Street? A. Yes, sir. Q. And you are pretty familiar with West Street and its condition? A. Yes. Q. And you would have Broadway relieved of some of its trucks by having them go in West Street? A. Well, I don't thoroughly understand

1828 you, sir; if there were trucks in Broadway and wanted to get down to the Battery, they would go Broadway; I wouldn't suppose for a minute that they would go down West Street.

*By Mr. Bright :*

Q. Mr. Haswell, there is one point more that I wish to ask you questions about; you seem to agree with Mr. Fuller—Judge Fuller, I believe—that you would have a system of transfer tickets? A. Yes, sir. Q. What are the merits of that system? A. Well, the benefit would be—I go upon my experience in Philadelphia. Q. Do you know of any system of transfer in Boston? A. I don't sir. Q. Or 1829 in Baltimore? A. I do not, sir. Q. When you testified in respect to Baltimore and Boston you merely followed the misleading suggestions of Brother Fuller, did you not? A. I did not suggest anything—not to my knowledge—about Boston. Q. Then, all you know about any system of transfer is in Philadelphia? A. Yes, sir; in Philadelphia. Q. And you think it would be a very nice thing to establish a transfer system in New York? A. Yes, sir. Q. Do you recognize a marked difference in the geographical situation between New York and Philadelphia? A. Well, it is much the same. Q. Are you acquainted in Philadelphia? A. I am, sir. Q. Is it not the fact that Philadelphia is practically as broad as it is long? A. Certainly. Q. Is it not 1830 true that New York is very long and very narrow? A. Well, yes; when you go to the Harlem River, it is over 8 miles. Q. Then it is 8 miles long, and its width is what? A. It is all widths across. Q. In some places very narrow? A. Yes, very narrow. Q. Your residence is where, Mr. Haswell? A. Eighty-sixth Street. Q. At what avenue? A. Near the Boulevard. Q. Would the Boulevard be the route of your proposed cable line? A. No, sir; I have no proposition at all about the cable line; I have no interest in it at all whatever; I am here merely as a volunteer. Q. Suppose that a cable line started from the Battery and went up the Island, would it probably go through one of the Boulevards? A. I think not, sir. Q. I am really not familiar enough with those streets to make my question as intelligible as I should wish it; but suppose that it goes up Broadway and follows a substantially direct



line up the Island to the Harlem River, how near 1831 would that line come to your residence? A. About 2 miles, I guess. Q. Be two miles away? A. Yes, sir. Q. Oh, you are over by First Avenue, are you? A. Below First Avenue; right close to the river; Avenue A is the Boulevard; I live by the East River Park. Q. How do you get home? A. Well, sometimes I take the Third Avenue Elevated and sometimes I take the Second Avenue Elevated. Q. The Second Avenue is the most direct for you? A. Yes, sir.

Q. Take persons located as you are, would any system of transfer connection with the cable road be more beneficial to you than the present line of the Second or the Third Avenue? A. No; but, of course, a cable road coming down opposite us— Q. Then, for a city situated as New York is, with 1832 several main lines through the Island, the transfer system is not as important as it is in Philadelphia, is it—these lines being north and south? A. Well, there is a question about transfers on the surface cars; for instance— (Question repeated.) A. I was going to explain, and you could use your own judgment. Q. Mr. Fuller, in putting his question, which he seems to make a main argument in favor of the cable system, says that you shall have the opportunity to get from the Battery to Harlem River and have a transfer ticket? A. Yes, and for five cents.

*Mr. Fuller :* Yes.

Q. What transfer would you have at the Harlem River? A. I don't say as there is any transfer at the 1833 Harlem River, because that is where they turn around. Q. Certainly, to all people living on the east side, the present system of communication through the avenues would be more convenient than to connect with a cable line going up through Broadway, by transfer, wouldn't it? A. Certainly. Q. And so the Sixth Avenue and Ninth Avenue lines afford conveniences on the west side that render less necessary the transfer system with a central cable line; is not that so? A. Yes, sir; if you will allow me to state where the transfer would be a benefit to the citizens, I will do so. Q. Yes, sir; I would like it very much to have you explain; I have heard nothing, except the general phrase, "Go to the Harlem River, and have a transfer ticket;" I suppose it is a ticket to Albany, or something of that kind. A. No, sir.

1834 *By Commissioner Harris :*

Q. Is there any method, except horses and cable, in use for propelling cars on the surface of streets?

A. Well, it has been tried; they are running in Philadelphia with cable; they had a steam motor on Third Avenue, experimenting at one time. Q. Electricity has never been used here yet? A. No, sir. Q. Is compressed air successful? A. No, sir; compressed air takes too much weight; that was tried on the Second Avenue road, but they had to give it up; but I do think electricity will be the motor of the future, for I had some little experience on that.

1835 *By Commissioner Vance :*

Q. You have had experience on that? A. Yes.

Q. Is there anything in the construction of a horse railroad that would prevent its being changed to a cable road, if the company desired it? A. No,

sir. Q. Would there be any difficulty in changing a horse railroad to an electric motor road, if the company so desired? A. Not at all, sir. Q. Then,

would it not be probable that a horse railroad company, having its road laid down and operating it with horses, if it found out that there was a reasonable expectation that it would be more profitable if it was changed to a cable road or to an electric road,

would they not be likely, as good business men, to do that? A. Certainly; there was a surface road running in Philadelphia, which was known as the Union Line, down Columbia Avenue, propelled by horses, a surface road; and they laid a cable road down between that track when their cars were running, and it began to start last Monday a week, and if that road runs perfect, I think that cable roads will run everywhere.

*By Commissioner Lord :*

Q. Has that a groove? A. Yes; it runs right in the centre. Q. How deep is that groove down? A.

Well, on the Philadelphia line it is made similar to a boiler made of sheet iron, just of that shape (indicating), and it comes up to the top, and there is a groove of about three-eighths of an inch in the centre, where the grip goes down. Q. How deep down? A. I presume to the cable, may be about

eight inches. Q. Below? A. Yes, sir; six or eight 1837  
inches below.

*By Commissioner Vance :*

Q. The other side of this cylinder, in which the cable runs, how deep down is that below the surface? A. I guess about three feet, sir. Q. Is there any foundation under that? A. Yes, sir. Q. How deep a foundation? A. About two inches or three—about two or three inches of a kind of concrete. Q. What do they charge for transfer tickets on the Philadelphia roads? A. Nine cents, six cents for a single fare, and nine cents for a transfer ticket. Q. Going from one point to another on one road? A. Yes, sir. Q. If you wish a transfer ticket, they 1838 charge you three cents additional? A. Yes, sir. Q. Then the difference in the cost of a transfer ticket in Philadelphia, and two rides on two different railroads in New York, is one cent? A. Yes, sir; it would be ten cents here; yes, sir. Q. Five cents for one ticket here, and ten cents for two, and nine cents for a transfer ticket there? A. Yes, sir; but then the roads are very different there than they are here. Q. If a road is run directly from the Battery to Harlem River by the most direct route, what would be the length of that road? A. Nine to ten miles, sir; I cannot say exactly; eight miles from the City Hall to the Harlem River. Q. How many miles? A. Eight miles. Q. Then it is about a mile from the City Hall to the Battery, and that 1839 would make it nine of a direct route? A. Yes, sir. Q. In your judgment, then, you would have a road running from the Battery to the Harlem River that charges five cents, and that would be a fraction over half a cent a mile? A. Yes, sir. Q. In your judgment, as a business man, could a railroad be operated and pay its expenses, and a reasonable dividend to the stockholders, at the rate of half a cent a mile? A. The Third Avenue have done it for five cents from the City Hall to the Harlem River, and the Second Avenue have done the same; it was formerly eight cents. Q. Did they ever pay anything for the franchise—speaking of the Second and Third Avenue Railroads? A. That I don't know anything about, sir. Q. Very well, you don't know? A. I don't know anything about that, sir.

1840 *By Commissioner Harris :*

Q. When the Third Avenue road was launched, it was completed and equipped for a good deal less money than a road could be now ; the cars cost less and the labor cost less. A. One moment, if you will allow me ; to-day everything is down very low : I know Stephenson don't get as much for his cars that he builds now, and he builds better cars than he used to formerly ; I believe they are \$200 less than they were.

*By Commissioner Lord :*

Q. You say you have lived in New York for thirty-eight years ? A. Yes, sir. Q. Are you an Englishman ? A. I am. Q. Are you acquainted with the system of the English Railroads—the street railroads ? A. I am, sir. Q. How do you like them ? A. I like them well, sir. Q. Would you prefer them to a cable road on Broadway ? A. Well, the only reason why I prefer a cable road on Broadway is, that it dispenses with the horses, &c. Q. Otherwise you would prefer the English system of street railroad ? A. Yes, sir.

*By Commissioner Vance :*

Q. These questions I am asking, are for my own information only. A. I will give you all the information as far as my knowledge goes. Q. A cable-car, to make it the size of the ordinary two-horse street railroad car in New York, has in front of it what is called the grip-car ; that, of course, makes practically, a train of two cars—the grip-car is not as long as the passenger car, as they are now in use in the Western cities ; isn't that so ? A. Excuse me sir ; it was not so in Philadelphia, and I believe they don't run them that way out West ; the grip is just where the driver is ; there is no extra car to it at all, sir.

*By Commissioner Harris :*

Q. They run trains with two or three cars, don't they ? A. Oh, yes, sir—oh, no ; not those in Philadelphia : only for experiment.

*Commissioner Harris :* Well, they do in Chicago.

*By Commissioner Vance :*

1843

Q. Are they running regularly in Philadelphia now?  
 A. Last Monday week they commenced operating regularly. Q. They don't succeed, do they? A. They were trying it for two or three weeks when I was down—I cannot say as to that yet. Q. Assuming that there is a double track on Broadway, could a car be operated so as to travel a greater number of miles an hour by any other power than by horses—horse-power? A. Certainly, sir; a cable road could. Q. Taking into consideration the crowded state of Broadway, with vehicles of various kinds between the points I have named? A. I believe the limit of speed is eight miles an hour. Q. How is that; eight miles an hour by cable? A. That is the speed allowed for horse-cars. Q. For 1844  
 horse-cars? A. Yes, sir; they are not allowed to run any faster. Q. But, considering the crowded state of Broadway between the points I have named, the Battery and Fourteenth Street, would cars being operated by cable or by electricity, or by any other motive power which is allowed under the law, run at a greater speed than cars drawn by horses? A. It could be done, but I don't think it would be safe to do it. Q. Therefore, if it is unsafe to do it, where would the advantage of the cable system on Broadway come in; I am speaking now of the portion between those two points? A. Well, as regards speed, I don't see that it is any advantage, only if you could run ten miles an hour, or twelve if it was practicable, why then you could speed up your en- 1845  
 gines to that. Q. But there is an "if" in the way. A. Yes, sir; certainly. Q. You wouldn't wish to ride in a car, from the Battery to Fourteenth Street, drawn by a cable or propelled by any other power at a speed of eight miles an hour? A. Oh, yes; eight miles an hour, but I don't think I would care about it at ten or twelve miles an hour. Q. You would go, at that rate, with some liability of disaster to your car? A. Yes, sir.

*By Commissioner Harris :*

Q. Suppose there is a cable-car on Broadway, and with trains of cars similar to those on the elevated road, and frequent cars, would that of necessity obstruct Broadway? A. Certainly; if they ran single cars I presume it would not. Q. But I ask you

- 1846 about the trains, that is all? A. Yes, sir. Q. Single cars, then, would be on the same footing as horse-cars? A. Yes, sir; only by dispensing with the horses, and the riding is much easier.

*By Commissioner Vance:*

- Q. A cable railroad has two rails laid down in the ordinary manner, upon which the wheels of the cars run? A. Yes, sir. Q. Then in the centre there are flat bars set perhaps half an inch apart? A. About three-eighths of an inch. Q. About three-eighths of an inch? A. Yes, sir.
- 1847 Q. Does not that practically make three rails lying on the surface of the street? A. Certainly. Q. Would that be any greater disadvantage to those using horses and vehicles in passing up and down that railroad; perhaps, to be a little more specific, would the horses be any more liable to slip on any one of those three rails, than they would if there were only two? A. I think not, sir, because the heel of the shoe is wider than what that groove is in the centre, so that there must be a portion of the shoe right on the stone all the time. Q. But these grooved rails, as we might term them, are smooth on the surface? A. Yes, sir. Q. And the horses are so shod that no part of his shoe will go into that slot? A. Yes, sir. Q. Is that your understanding of it? A. Yes, sir. Q. But if a horse steps fairly on the top of that slot, and exerts himself to pull his load forward, is there no greater danger of his
- 1848 foot slipping on that smooth surface than if his foot was on the surface of the stone? A. You mean this way, providing this (indicating) was the rail, and this (indicating) was the shoe? Q. Yes. A. His foot would not come so; the heel of his shoe would be on one side, and the other on the other. Q. I understand that when a horse puts his hind foot down to start a heavy load, he only puts his toes down this way (indicating)? A. Yes, sir; if he goes on his toes, he would be very much more likely to slip. Q. I infer from your answer that you are familiar with cable roads? A. Yes, sir. Q. How great a distance do they run a single cable from the turning machinery to which the steam engine is attached, to the other end where it passes around the drum and returns? A. I believe they run about five miles; I cannot say certainly. Q. Is that five miles all one cable? A. Yes, sir; one section. Q.

And one cable in that section ? A. Yes, sir. Q. That 1849  
would be a cable ten miles in length ? A. Yes, sir ;  
with two engines, I think, of two hundred and fifty  
horse power each, and they are so constructed that  
if one engine gives out, then the lever can start the  
other right away. They do all the overhauling at  
night. Q. Are you familiar with the construction  
of the cable road in Chicago ? A. I am not, sir.

*By Mr. Bright :*

Q. Then you have not seen the Philadelphia road  
in much operation or in operation to any extent ? A.  
The first section I did—the experimental line of  
about four miles. Q. But how long a time did you  
see it in operation ? A. Well, I was there almost  
one day, and I cannot say how long it was running, 1850  
because I think they gave it up. Q. There was, in  
the *Tribune* of Sunday, a statement that this new  
cable road constructed in Philadeldhia was not doing  
as well as it was hoped it would do, and it was  
thought that the slot or tubs was so affected by the  
cold weather that they would not operate it. A.  
Yes, sir. Q. Did you hear of that ? A. Yes, sir, I  
saw that ; I saw it myself when I went on theree  
sometime ago ; they then supposed they had got it  
all right, but the iron was found to contract by the  
cold weather so that it would not work well. Q.  
Preventing the operation of it ? A. Yes, sir, but it  
is very different to-day, I think. Q. What is your  
business ? A. Well, I am now retired ; I was form- 1851  
erly a manufacturer of hardware.

*By Mr. Fuller :*

Q. Mr. Haswell, are you aware that they have had  
no trouble of that kind in Chicago ? A. I am not,  
sir. Q. Would not a cable on Broadway have this  
advantage over horse-cars, that two cable-cars would  
carry two hundred passengers while three horse-cars,  
taking an equal amount of space, would carry about  
seventy-five. A. Well, it would in one sense, I  
think in Broadway there is so much travel that they  
don't want a car of that size. Q. A cable car that  
would carry one hundred passengers would be pre-  
ferable to two horse-cars that would carry fifty,  
wouldn't it ? A. Well, I believe a horse-car carries  
only about twenty-three or twenty-four passengers ;  
it all depends, of course ; I believe they average

1852 twenty-four. Q. Will you be kind enough to answer this question ; one cable-car taking up as much room as two horse-cars, a cable-car carrying one hundred passengers, and the two horse-cars carrying fifty, which would obstruct Broadway the least ? A. There would be more room in the two cars—you are speaking about horse-cars now, when you say two, are you not ?

Q. Two horse-cars would take up an equal amount of room with one cable-car, the horse-car carrying fifty passengers and the cable-car carrying one hundred ; now, which would carry the same number of passengers, taking up an equal amount of room ?

A. Why, the horse-cars, of course ; I don't exactly get at your question. Q. My dear sir, a cable-car occupying 50 feet, understand, we will say, on 1853 Broadway, will carry 100 passengers ; two horse-cars, occupying 50 feet, would carry over fifty passengers—just half the number. A. I don't see that where a car is the same size as your cable-car, but what it would carry the same amount of passengers ; you merely stated two cars ; you did not state horses at all. Q. I will state that again, if you please ; a cable-car, 50 feet long, carrying 100 passengers—

*Commissioner Harris :* Ask him, Judge, if he knows that ; he may not know that fact.

*Mr. Fuller :* Well, I am simply stating a case.

*Mr. Bright :* A Hudson River car don't carry 100 passengers.

*Mr. Fuller :* These are double-deckers that they use ; well, I will drop it ; I will drop it.

1854 *The Witness :* You yourself stated a cable-car fifty feet long, and a horse-car fifty feet long. Q. No, I say the horse-car—horses and all—fifty feet long. A. Why, certainly ; a cable-car would carry the most passengers. Q. Are you aware that the Second and Third and Eighth Avenue cars have been carrying passengers to the Harlem River for five cents for years past ? A. The Eighth Avenue car ? no, sir ; that is not a reality. Q. Are you aware that the Second and Third Avenue cars have ? A. Yes, sir. Q. For five cents ? A. Yes, sir ; for five cents. Q. Are you aware of the dividends they have been paying for the last two or three years ? A. I have some little idea. Q. About what dividends have the Third Avenue Company paid ? A. I would like to be excused from answering that question. Q. You are not aware of the



dividends that the Third Avenue has paid for the last two or three years? A. Please excuse that question. Q. Suppose they paid dividends of 16 per cent., could they afford to carry passengers and give them a transfer ticket for five cents? A. That all depends on circumstances. Q. Would it be any advantage to you to ride up Lexington Avenue to Eighty-sixth Street, and get out and go to the East River by transfer ticket to the East River for five cents? A. Certainly; it would save me walking. Q. Would it be an advantage to you to ride up Broadway to Fourteenth Street, and have a transfer ticket to the East River through Fourteenth Street without additional fare? A. Certainly. Q. If you could ride up the Boulevard to One Hundred and Twenty-fifth Street, and you wanted to go over to the East River through One Hundred and Twenty-fifth Street, wouldn't it be an advantage to you to have a transfer ticket to take you to the East River for five cents? A. Certainly.

ANDREW L. SOULARD, called as a witness on behalf of the property-owners represented by Mr. Fuller, being duly sworn, testified as follows:

Q. Where is your business? A. 167 Broadway. Q. Are you the president of the Sterling Insurance Co.? A. Yes, sir; I am. Q. What kind, if any, railroad do you think should be built on Broadway? A. Well, I am in favor of a cable road. Q. Have you ever seen or ridden on a cable road? A. Yes, sir. Q. Where, if you please? A. Where? Q. Yes, sir, A. Chicago. Q. Did you ride through a crowd, on the cable road? A. Yes, sir. Q. Of pedestrians? A. Yes, sir; in the most crowded part of the city; the cable roads run through State Street and Washington Street, and Wabash Avenue, and that is the most crowded part of the City of Chicago—the retail dry goods district. Q. Did you find that they ran with the greatest facility through crowded streets? A. I saw no trouble at all. Q. How slow did you ride on them? A. That is very difficult to answer; they seemed to be able to regulate their speed; they could go slow or fast, as occasion required; they would at times go very slow. Q. That was when they were going through a crowd? A. Yes, sir; that was going particularly through State Street and Wabash Avenue. Q. Did

- 1858 you find that they could stop and start readily? A. I noticed that particularly; I found that they stopped with less difficulty, I thought, than the horse-cars. Q. Did you notice whether they got up headway quicker than the horse cars? A. Yes, sir; they seemed to be able to regulate their speed, to go fast or slow, and to start without difficulty. Q. Do you think that any company should have the right to run over Broadway without running to the Harlem River, and giving transfer tickets? A. No; I think that if they are going to run a railroad on Broadway, they ought to run it for the benefit of the people living at the upper end of the island, as well as for the benefit of the people down town. Q. What effect do you think a cable road would have on Broadway property? A. I think that all property would be appreciated by the building of a cable road. Q. From the Battery to Union Square, how do you think the crowd on Broadway at the present time compares with the crowd that used to be on Broadway fifteen or twenty years ago? A. It is not as crowded now as it was fifteen or twenty years ago; that, I guess, is pretty generally understood. Q. Have you personally noticed a falling off in the traffic and interests—commercial interests on Broadway? A. I have. Q. What is your opinion of the stages on Broadway at the present time? A. Well, I very rarely patronize the stages; it is a slow way of locomotion; I would prefer to walk. Q. Would you consider it a very great advantage to the traveling public to have the stages taken off, and a cable road built on Broadway? A. Yes, sir; I would. Q. Would a cable road, in your opinion, run in a crowded street—crowded with trucks, carriages and people, with equal or better facility than a horse-car road, and with no more danger? A. I think it would; yes, sir.
- 1859
- 1860

*Cross-examination by Mr. Everts:*

Q. Where do you live, Mr. Soulard? A. I live at Audubon Park, One Hundred and Fifty-eighth Street. Q. You come up and down every day to and from your business? A. Yes, sir. Q. What means of getting up and down town do you employ? A. The elevated railroad. Q. Do you own any property in the city—any real estate? A. Yes, sir. Q. Whereabouts? A. One Hundred and Fifty-eighth Street, and also at Woodlawn Heights. Q.

Are you interested in any Broadway property below 1861 Fourteenth Street? A. No, sir. Q. What is your objection to the use of stages, personally? A. Well, it is a slow means of transit; it seems to me it is rather behind the age. Q. If you were going from Wall Street to Chambers Street, you would walk rather than take an omnibus? A. Yes, sir; did it to-day. Q. If you were going the same distance in a street in which there was a line of horse-cars, would you take the horse-cars? A. Yes, sir; in preference to the stage. Q. No, I mean in preference to walking. A. It would depend a good deal upon the weather, that would.

Q. In rainy weather, if you wanted to go from Wall Street to Chambers Street in Broadway, would you use a stage? A. No, sir. Q. You would 1862 walk? A. I would, if I had an umbrella. Q. Do omnibuses, in your opinion, make less time than horse-cars? A. Well, it took me half an hour to go from my office to the Metropolitan Hotel, a few days ago. Q. Is that the usual time taken by an omnibus? A. I think not; I cannot speak from experience, because I think that is the first time I have been in a stage in a year. Q. Do you travel up and down Broadway a good deal? A. No, sir; I don't think I do; I walk up as far as Grand Street occasionally, perhaps once a week, to the Board of Education. Q. What do you think has caused the difference in the amount of travel on Broadway in the last fifteen or twenty years? A. The opening of Church Street has helped Broadway somewhat, 1863 but the falling off in business on Broadway, perhaps has had more to do with it; there are not as many stores on Broadway as there were fifteen or twenty years ago—below Canal Street, certainly. Q. Is it not a fact that there is more business done below Canal Street on Broadway than there was twenty years ago? A. I should think not; I can't speak positively about that; twenty years ago there were a great many retail stores on Broadway, and there were a great many stores below Grand Street that have gone above now. Q. You don't know how the value or the importance of business compares with what was done fifteen or twenty years ago? A. I cannot speak definitely as to that.

*By Mr. Bright:*

Q. About how long a time did you have an opportunity to observe the operation of a cable road in

- 1864 Chicago, Mr. Soulard? A. I have been there several times; I think I have patronized that road every time I have been in Chicago; I have never been there more than a week or ten days at a time. Q. You have spoken of the stages as being slow; do you consider them cumbersome also? A. What is that? Q. Do you consider them cumbersome? A. Yes, sir; I do. Q. Would the absence of stages from Broadway afford material relief to the thoroughfare? A. Yes, sir. Q. And suppose that cars were substituted in their place—such cars as you prefer—if you please—would they cause any obstruction at all corresponding to the obstruction of the stages and trucks? A. I don't think they would. Q. Explain your reason for it—for thinking so. A.
- 1865 Well, there are several lines of stages on Broadway, and I have known a stage to drive right over on the left hand side going up, and that would block us for a time; I cannot answer your question exactly, but any man that is familiar with Broadway, and has watched the going of those omnibuses, must have seen they are a great obstruction. Q. I think your answer contains one certainly very good reason, Mr. Soulard, that the stages will go, and do go everywhere on the street; while I suppose it would be your judgment that cars would go in a restricted line. A. Exactly. Q. And it is certain that the cars can cause no obstruction outside of their restricted lines, is that so? A. That is so; yes, sir. Q. And that, then, is a very important
- 1866 reason why cars would afford a material relief to Broadway? A. I think so. Q. Have you any interest in any cable scheme, or the establishment of it, on Broadway? A. No, sir. Q. Has your company given its consent to the construction of any railroad on Broadway? A. No, sir. Q. Or its officers? A. No, sir. Q. Then I assume that any system of transportation by cars in the street shall be found most desirable, you would welcome and approve of? A. Yes, sir. Q. Do you therefore consider a railroad in Broadway a great necessity? A. I do. Q. Will you state, leaving out of view wholly your preference for a cable road, and speaking only of the desirability of a railroad—whatever the motor may be—will you give your reasons for thinking that a railroad in Broadway is a great necessity? A. Well, I could only judge of it as it affects myself individually; if I want to go to Fourteenth

Street, I have got to take the Sixth Avenue Elevated 1867 Railroad or the Third Avenue Elevated Railroad, if I want to go quickly, and I have got to walk some distance either way ; it is some little distance from my office, or from Wall Street, to the Third Avenue Elevated station, not as far perhaps to the Sixth Avenue road, and as a matter of convenience to people, I think we ought to have a railroad on Broadway.

Q. Then, has your observation shown you that there is a large number of people situated as you are yourself, frequently desiring to make a short trip in Broadway ? A. Yes ; I should think there was. Q. What has been your observation as to the condition of railroads on the east and west side of Broadway going up town, and as to their crowded 1868 or over-crowded condition ? A. I leave my office at about quarter to five in the afternoon, and I very rarely get a seat until I get to Fiftieth Street, and sometimes I ride as far as Fifty-ninth Street and Ninth Avenue before I get a seat ; they are crowded during the commission hours. Q. And does that fact demonstrate to you the need of additional railroad facilities ? A. Yes, sir. Q. And is there any main avenue in New York in which that relief may be sought excepting Broadway ? A. I don't know of any other avenue. Q. Do you observe the extent to which trucks make use of Broadway—traffic trucks ? A. Yes, sir ; there are not as many now on Broadway as there were some years ago ; I can remember when it was a common occurrence for 1869 them to block up the street in front of my office, and remain blocked for half an hour sometimes ; I think the opening of Church Street, as I said before, has had some relief to Broadway from that traffic. Q. Then, is it your judgment that any parallel street to Broadway may or should afford relief by being used by trucks that are not necessary in Broadway ? A. Well, I think they do use the other streets—those running parallel with Broadway. Q. It is your observation that they do use them ? A. Yes, sir. Q. And have you been able to observe any reason why they should not use them ? A. None at all ; no, sir. Q. It is perfectly practicable to use them—all the side streets ? A. It seems so to me. Q. Then, if you were told that truckmen, as a matter of taste, preferred to go in Broadway, when their business did not call them there, and

- 1870 when it was really more indirect to go through Broadway, would it or not be your judgment that, to that extent, the blocking of Broadway was very unnecessary? A. Yes, sir; I think if a truckman is in a hurry to get rid of his load, he will take a side street running parallel with Broadway, and not Broadway. Q. And suppose you were told by an army of truckmen that they habitually resorted to Broadway, although their business does not call them there, and although that route is more indirect, what would you say of their conduct? A. I depends upon circumstances; I have been told that truckmen employed by the hour prefer Broadway.
- 1871 Q. What is your interpretation of that statement; what is the meaning of it; I don't understand it! A. Well, because it takes more time to go through Broadway than the parallel streets, and truckmen going to some of the wharves charge by the hour, because they are delayed at the wharves, and they spend as much time, I take it, in getting through as possible. Q. Is that an observation among business men that is recognized as one of the methods among truckmen? A. I don't know that it is, sir; that came to me incidentally. Q. Irrespective of that particular method, won't you kindly answer the question I put to you; I will ask the stenographer to repeat it! (Question repeated as follows:)
- 1872 Q. Suppose you were told by an army of truckmen that they habitually resorted to Broadway, although their business does not call them there, and although that route is more indirect, what would you say of their conduct? A. Well, I should say it was reprehensible and unfair to their employers. Q. Would you think it was also very unfair to the public who need to make legitimate use of Broadway? A. Well, yes; it might be considered so; I have driven frequently myself from my house to the Battery, and invariably turn off of Broadway when I get to Grand Street to save time. Q. What streets do you take? A. Well, I take Church Street, and I would prefer Crosby Street even to Broadway, if I am in a hurry. Q. Do you always find those side streets passable and convenient for your travel? A. Well, I have always found them so; but I don't know that they are always passable.
- Q. But I speak of your own experience. A. Yes, sir. Q. You don't know that we could have any more valuable evidence than your own experience,

Mr. Soulard? A. Well, sir, that has been my ex-1873  
 perience, that I can make better time by driving to  
 Brooklyn or to Staten Island by taking the side  
 streets. Q. Then you can think of no loss that you  
 would suffer in going either through Crosby Street  
 or Church Street, excepting the loss of whatever in-  
 teresting thing was to be seen in Broadway? A.  
 No, sir.

*By Mr. Fuller:* Q. Do you think, Mr. Soulard,  
 that any railroad should have the right to run over  
 Broadway until they can run to the Harlem River,  
 and give transfer tickets? A. No, sir; I don't.

*By Mr. Bright:* Q. Where would you like a  
 transfer ticket for, when you got to the Harlem  
 River? A. Well, it does not necessarily follow that  
 if a man wants a transfer ticket that he wants to go 1874  
 to the Harlem River. I understand the question to  
 refer to any of the roads crossing the track of this  
 cable road. Q. How near to your residence at  
 Audobon Park does the elevated road go? A. It is  
 a long distance; I get out at Eighth Avenue and  
 One Hundred and Fifty-fifth Street, and I have to  
 walk over to the Hudson River, or within four or  
 five hundred feet of the Hudson River; it is ten  
 minutes' walk at least, for a good fast walker. Q.

Is there any north and south line railroad projected  
 nearer to your house than Eighth Avenue? A. Yes,  
 sir; through One Hundred and Fifty-fifth Street.  
 Q. When that is done, any transfer will be of no  
 importance to you? A. Oh, yes, sir; I could take  
 a ticket on the One Hundred and Fifty-fifth Street 1875  
 road to the Hudson River, which would bring me  
 within three minutes' walk of my house. Q. I say  
 when this projected line is established there north  
 and south, you will have all the convenience that  
 you require without any transfer system? A. Yes,  
 sir. Q. Then don't you recognize it as true from the  
 geographical position of New York that the complete  
 —what we must presume will be the future complete  
 lines of communication north and south, will dis-  
 pense with any such system of transfer as is indis-  
 pensible in Philadelphia? A. Well, I understand  
 that New York is very differently situated from 1876  
 Philadelphia, but I suppose that Mr. Fuller's ques-  
 tion was as to the transfer of passengers anywhere  
 along the line of the railroad; the upper end of the  
 island is very narrow, and after you get above One  
 Hundred and Fifty-fifth Street the distance from the

1877 Harlem River to the Hudson River is perhaps only three-quarters of a mile, and transfer tickets then would not be of very much use, but below One Hundred and Fifty-fifth Street it would be a very great convenience to people. Q. You speak of your favorite cable system, that you would have go through Broadway, to the Harlem River. A. Yes, sir. Q. When you reached Fourteenth Street, where would you carry the cable; through what street to continue it in its northerly course? A. Why, I should take Broadway to the junction of the Boulevard. Q. The feasibility of your scheme all depends upon your ability to confiscate existing rights there, I suppose? A. Well, is it a confiscation; it seems to me that if I owned property on the Boulevard I should be very glad to have a cable road.

1878 *Mr. Bright:* Well, you misunderstood me; I will ask the stenographer to repeat the question.

(Question repeated as follows:)

Q. The feasibility of your scheme all depends upon your ability to confiscate existing rights there, I suppose?

*Mr. Bright:* Existing rights—the rights of existing railroads in Broadway above Fourteenth Street. A. Well, I don't know that I can answer that question; the fact is that I think everything ought to give way to the necessities of the occasion, and to the convenience of the people; I haven't any interest, as I said before, in railroads except so far as they should benefit the people of New York and the property. Q. Then it is merely a general sentiment that you express; you see no way of accomplishing your aim of creating a cable system in Broadway above Fourteenth Street? A. Without taking away the franchise of existing railroads—no, sir; I do not; I think they might run connecting lines.

*By Mr. Everts:*

Q. How long have you lived at your present place of residence at Audubon Park? A. Since 1870. Q. And where had you lived in the city before that? A. East Broadway. Q. For how long a time before 1870 had you lived there? A. I lived there from 1850 until I moved up to Audobon Park, twenty years. Q. How often have you driven to the Battery yourself since your residence in Audubon Park?



A. That is a pretty difficult question to answer ; I 1880  
forget ; perhaps a dozen or twenty times. Q. Your

own horses ? A. Yes, sir. Q. And you were going  
to Staten Island, I take it ? A. Well, either to  
Staten Island or to Coney Island. Q. When was  
the last time that you drove down to the Battery ?

A. The latter part of June last or the early part of  
July, just before my family went away, I drove  
down to Coney Island with them and spent the day  
there. Q. With a pair of horses ? A. Yes, sir. Q.

In a buggy ? A. A two seated wagon, sir, carriage.

Q. What time of day was this ? A. I left home  
about eight o'clock, I think ; between eight and  
nine. Q. And you reached here about ten o'clock

at Grand Street ? A. I suppose so. Q. And did 1881

you on that occasion go through Crosby Street ? A.  
No, I turned into Church Street, and came down  
that way. Q. And how far down Church Street did

you go ? A. Right to the Battery, sir. Q. That  
goes all the way to the Battery ? A. Well, New  
Church Street, you know, connects and runs to the  
Battery. Q. And there is a horse-car line on New

Church Street ? A. Yes, sir. Q. Did you turn off  
because you believed that you could get to the Bat-  
tery quicker by New Church Street ? A. That was

the only object I had in view ; I recognize the fact  
that car tracks are very severe on a light wagon,  
and I would not have gone in that direction except  
for the purpose of saving time. Q. Have you been 1882

much in the side streets running parallel with  
Broadway so far as to be familiar with them at all ?

A. I don't know that I have ; I have been in busi-  
ness here for thirty years, in the neighborhood of  
Broadway and Wall Street, but I cannot say how  
often I have been up in these side streets. Q. You

don't know whether the amount of traffic is great or  
small in those streets ? A. No, sir ; I can't tell as to  
the amount of traffic. Q. How was it in June when

you went down New Church Street ? A. I had no  
difficulty in getting right straight along, sir. Q.

You would prefer, would you not, a cable road stop-  
ping at Fourteenth Street, to a horse railroad, even  
if it did not have the transfer tickets ? A. Oh, yes,

sir. Q. And that, you think, would be a great  
benefit to the city and to Broadway ? A. I think

so. Q. Do you think it would be possible for a  
cable road to run if the stages were kept on Broad-  
way ? A. Oh, yes, sir ; I think it would be possible,

but it would be very much more difficult. Q. It

1883 would not be your idea to have the omnibuses remain? A. No; I think when they have a Broadway railroad, they could carry all the passengers without any help from the stages. Q. Supposing you wanted to go from here to the Wall Street Ferry, and there were no omnibuses, what would you do if you did not walk? A. And there was a cable road? Q. Yes. A. I should ride to Wall Street. Q. Then you would have to walk—nearly what? A. Oh, several blocks; five or six blocks. Q. Over a quarter of a mile? A. Yes, sir. Q. And if you wanted to go to the Fulton Ferry from here, what course would you pursue? A. It would depend upon whether I was in a hurry or not; there is a line of cars here in the rear that run to the Fulton Ferry, and if I was in a hurry, I would take them in all probability; I think I could make better time than walking down, because it is much further from Broadway to Fulton Ferry than it is from Broadway to Wall Street Ferry, I think. Q. Do you think that the absence of a certain number of omnibuses from Broadway would make any more difference in the travel and the convenience and use of the street than the absence of the same number of any other vehicles? A. I think stages are more cumbersome, and take up more room than any other sort of a vehicle that we use here.

Q. They don't take up more room than a large truck, do they? A. Well, truckmen, as a rule, pay more attention to the rights of other people than 1885 the stage drivers do; stage drivers run all over the street; I am more afraid, in driving through Broadway, of a stage than I am of a truck. Q. Then because stages are improperly driven they are worse than other vehicles? A. Well, I don't know as to that; if you are on the left-hand side of Broadway, and want to go up town, and you beckon to a driver to come there, he will come over there if he can, and take you in; I don't know but that is a convenience to the people, and we had not ought to object to it very much, and yet it is very disagreeable, if you are driving on a road, to have a driver do that. Q. But is it in consequence of the way in which omnibuses are driven that you think they are utterly objectionable? A. I think they are objectionable in every way, but that increases the objection, of course. Q. Are they more objectionable than any other vehicles of the same size except for that reason?

A. Well, as I said before, I think that truck 1886 drivers or drivers of large wagons pay more attention to the rules of driving than stage drivers do; that is, they keep on their own side of the street; in other words, they keep to the right side. Q. Then it is because omnibuses are improperly driven that you think they are a greater obstruction than other vehicles of the same size? A. I don't say they are improperly driven, because if I am on one side of the street I will call a driver, and if he should come there that is a convenience to me, and a very nice thing for the driver to do, particularly if it is a lady, as Broadway is sometimes so crowded it would be dangerous to cross over to get into a stage. Q. You think that cars fixed on certain lines obstruct travel less for that reason? A. Yes, sir. Q. Will you 1887 please give me your reasons for giving that opinion? A. Because they can't turn out to the right or left, but must follow the track. Q. If it is clear; but if it is not clear? A. Then they will have to stop, of course. Q. Then do they not obstruct travel more than if they could turn out and get away from the obstruction? A. Possibly at times that may be the case. Q. Is not, in your opinion, the fact that they are fixed to certain definite lines the occasion of more obstruction than if they were able to go to one side or the other? A. My experience is that you can make very much better time on the horse-cars in many of the streets of New York than you can in the omnibuses. Q. But that scarcely answers my question. A. Then I don't know how to answer 1888 your question; if you will put it again I will try to answer it. Q. (Question repeated.) A. No, sir; I should not think so; I should think that they were not, generally speaking. Q. Suppose a truck was standing by the curb, and a horse-car was next to it stopping, is there any way in which travel could proceed so long as that car was stopping and the truck standing there? A. Well, my impression is that truck drivers have a limited time to keep a street in that way; that, however, would only occur in a very narrow street; it would not occur in Broadway, for a truck might back up in Broadway, and yet leave sufficient room, if the horse were properly turned, to enable the car to pass without any obstruction. Q. But suppose a car was stopped, and a truck was there, how could the other travel get past? A. Well, if the street was

1889 blockaded, they couldn't make any headway. Q. Would not that blockade the street? A. I should think it would; yes, sir; if the trucks or vehicles block up the road, of course the car would stop of necessity. Q. It is very common, is it not, for trucks and carriages to be standing by the side of the curb; that is a common occurrence in Broadway? A. Yes, sir. Q. And it does not materially affect the travel now, does it? A. I think it does; yes, sir. Q. Materially? A. I think it does materially affect the travel. Q. Wouldn't it be much worse if a double line of tracks were laid in Broadway and cars were operated upon them? A. No, I don't think it would. Q. You don't? A. No, sir, I don't think it would; no, sir.

1890

*By Mr. Fuller:*

Q. Mr. Soulard, don't you think that a cable road running over Broadway to Union Square, and through Fifteenth Street, and up Fifth Avenue to Forty-second Street, and down Forty-second Street to Broadway, and out into the Boulevard, would be a much greater benefit to the traveling community and to property owners than a road running from the Battery and stopping at Fifty-ninth Street—taking passengers no further than that? A. Yes, sir; I don't know as to those particular streets that you named. Q. Any other streets that you could run on? A. Yes, sir; it would be a convenience and an improvement to New York.

1891

JAMES W. REDWAY, called as a witness on behalf of the property-owners represented by Mr. Fuller, being duly sworn, testified as follows:

*By Mr. Fuller:*

Q. Professor, what is your profession? A. Mining engineer. Q. Are you at present engaged in that profession? A. No, I am not; I am engaged in literary work just now. Q. Have you ever ridden on a cable road? A. I have. Q. Where, if you please? A. In San Francisco and in Chicago. Q. What do you think would be the greatest benefit to property and to the public on Broadway, a cable road or a horse railroad? A. A cable road, decidedly. Q. How does the cable road affect property in San Francisco? A. It has added about 30,000

population to one portion of the city alone ; it has 1892  
 reduced the fares of street transportation all around  
 from 10 cents for a single fare, or  $6\frac{1}{2}$  cents, fare by  
 tickets, to 5 cents, and passengers are transferred  
 with much greater rapidity and safety ; and, when  
 you start for a certain point, you are sure of getting  
 there on a cable-car ; then the cable-cars are pulled  
 up some of the steepest hills in the city—up places  
 where a horse and light buggy could not possibly  
 go ; and the cars have extended and caused the  
 building up of the city in those portions. Q. Do  
 you think that a cable-car could be operated on  
 Broadway ? A. Certainly. Q. With equal facility,  
 and no more danger than a horse-car ? A. I think  
 with greater facility ; Broadway is no more crowded  
 to-day than Market, in San Francisco, is, from the 1893  
 fact that down Market Street, all the passenger  
 transportation, baggage and trucking, and all of the  
 express business—the Wells, Fargo & Co. Express  
 packages, and trunks for every point east of San  
 Francisco—have to go down that street ; there are  
 four parallel street-car tracks, and an immense  
 amount of truckage, cartage, hotel 'buses, and  
 everything of that kind there, and there seems to be  
 no confusion there ; I think half the street-car lines  
 in the city occupy those four tracks, as well as the  
 cable roads by which they were built. Q. Do the  
 horse-car roads run over the cable tracks ? A. Yes,  
 sir. Q. Do the cable-cars run right in with the  
 horse-cars, trucks, &c. ? A. Yes, sir. Q. And if  
 the track got blocked, I suppose you could help the 1894  
 trucks along with a cable-car ? A. I have never  
 seen any trouble of that kind ; I have known one or  
 two cases there on the Souther Street line, where the  
 trucks got in the way of the Souther Street cars pur-  
 posely, and they had considerable litigation about  
 it ; because a street-car, when it is behind a truck, is  
 completely at its mercy ; there is no such thing as  
 getting around it ; but there is none of that kind of  
 racket with a cable-car ; a truck won't get in front  
 of it more than once.

*Mr. Bright :* Why, explain that ?

*The Witness :* Why, simply because the cable-  
 car will lift the truck right ahead of it, if the driver  
 stops there because he is obstinate.

*Mr. Bright :* Smash it ?

*The Witness :* Not necessarily ; they can push it  
 right along, as fast or as slow as possible ; of course

1895 the driver, if he knows that, will be apt to be careful.

Q. So that if the driver is disposed to be stubborn, a cable-car can go right along, and he, of course, of necessity, will haul off with his truck?

A. Yes, sir. Q. Do you find that so in Chicago; do the cable-cars have less trouble with carriages and trucks, than horse-cars do? A. Well, there does not seem to be any trouble there; the truckmen, if they drive in the track, as they frequently do, they go fast enough to keep out of the way; of course, there at the foot of Market Street, where there is more or less of a crowd, except at night times, they don't run full speed; they ease up on the grip, and let the car take its own speed. Q. Have you, in

1896 your experience, found that the percentage of accidents are any more on the cable road than on the horse-car roads? A. In San Francisco, no; I don't know how it is in Chicago; they are much less in San Francisco, from the fact that they can, with their cars there—the engineer of the car can lift the car right off the wheels, and stop it almost instantly.

Q. Lift the car right off its wheels? A. Yes, sir.

Q. Will you please explain that? A. Well, under the sides of the car there is a wooden shoe, or runner, and it is designed especially for those cars, so that in case the cable should part, or anything of that kind happen, the engineer merely pulls back the lever, and it places those wooden shoes or skids right down on the track, and takes all of the pressure off of the wheels.

1897 Q. Stops the car? A. Stops the car instantly.

Q. They could operate that anywhere? A. Operate it anywhere; yes, sir. Q. Will you be kind enough to explain, if you please, the advantages that a cable road has over a horse railroad? A. Well, you get greater speed, and more service, and it is under better control; for instance, a horse-car, and a cable car with its motor take up just about the same amount of room on the track, or nearly the same amount, and a cable car will carry about twice as many passengers, and they run at a speed varying from six to eight miles an hour ordinarily, or in case of a crowd, they ease up on the grip, and let the cable run through the jaws with just enough friction to carry it along at the speed required. Q. Their speed is regulated with as great facility as the speed of horse-cars, is it not? A. Much greater. Q. They have more perfect control,

too, haven't they? A. Their control is almost abso-1898  
lutely perfect; it is only where they have run the  
cars, as they attempted to in Chicago, that there is  
any chance of accident; there they would take a  
train of four cars frequently, and put the motor  
right in between them; at least, I rode on a train  
managed in that way; and one evening it was pretty  
late, along towards dark, and the engineer, as a  
matter of course, could not see anything that was  
coming ahead of him; he had to depend upon the  
conductor's signal, and there was an accident; well,  
I believe that thing is not tolerated now, and should  
not be tolerated in any instance; but with the  
motor in front of the car, it is easier to stop and  
easier to start a cable car than it is a street-car,  
especially where there is a crowd of passengers on; 1899  
it does not make any difference whether it is on  
level ground, or on the side of a hill forty-five  
degrees steep. Q. In the centre of a crowd of trucks  
and carriages, if there is an opening, these cars can  
get away with much greater speed than horse-cars,  
can't they—start away quicker? A. Yes, sir; start  
in one quarter of the time. Q. Just as soon as the  
grip is applied, they are running at maximum  
speed? A. Yes, sir. Q. About how far does it  
take them to get under full headway in case of  
necessity? A. Oh, I suppose four or five feet; they  
might put the grip down solid the first thing; of  
course, but that wears on the grip.

*Mr. Bright:* What effect would that have on 1900  
your own neck? A. Well, as a matter of course, it  
would shake the passengers up, if they choose to  
stop and start that way as a usual thing.

*Mr. Bright:* Well, that is what Mr. Fuller in-  
tends. Q. Is it possible to put the grip on so quick  
and so sharp as to give as much of a jerk to a car as  
horses do starting right up? A. Yes, sir; I should  
think if you put the grip down right close, at once,  
that it would shake things pretty lively; you can  
imagine yourself; your velocity is zero, and in two  
seconds you make it six miles an hour, and as a  
matter of course it would tumble up things inside of  
the car, if you should do it in that way. Q. But it  
is not done in that way? A. No, sir; it is not. Q.  
Is there any jerk at all? A. No jerk at all. Q. The  
usual way of starting simply? A. Yes, sir; the  
usual way of starting. Q. In case you should see a  
runaway, and the brakeman thought they might

- 1901 strike the rear of the car, he could put on the grip so quick as to get out of the way, very likely, couldn't he? A. Well, it would certainly help matters some; I don't know how much he would get out of the way, unless he would run off of the track; but certainly he could get up the regulation six or eight miles an hour of speed in a very short time. Q. You have been up and down Broadway a good deal; do you think there could be any possible objection to working a cable road from the Battery to the Harlem River? A. Well, I should think there would be less objection to cable cars than to the stages; I know that would be considered that way in San Francisco. Q. How about horse-cars? A. Well, I think it would be much preferable to horse-
- 1902 cars; they can get them under better control; now, a car loaded down with forty-five or fifty passengers, with one span of horses, would take a long time to start, longer than a cable car? A. What I mean to say is that the cable car is under more perfect control than a horse-car can possibly be.

*By Mr. Bright:*

- Q. Won't you explain to me what stops the cable-car? A. Letting go the grip and putting on the brake. Q. It is simply a question of brake? A. Well, not necessarily. Q. Does the grip have anything to do with the brake? A. No; except as you release it; that is all. Q. Then it is not possible to have just as perfect a brake on a horse-
- 1903 car as on a cable-car? A. I don't think it is; I don't think you can possibly get the leverage. Q. Will you explain what the brake is on the cable-car? A. Well, instead of twisting up with a crank and chain, it has a lever that by a compound system of levers one motion will bring the brake right up so that the car will slide on the track. Q. And against every wheel? A. Yes, sir; it comes against every wheel. Q. Isn't that brake employed upon all of the best city railroads; or, I won't speak about the best city railroads, but upon the best city railroad—the Broadway and Seventh Avenue Railroad? A. I don't think it is. Q. Haven't they a brake that applies the brake to every wheel by one motion? A. Not by one motion; it has to be wound up by a crank. Q. The one application of force brings the brake against all the four wheels, does it not? A. Yes, it brings it against all four wheels. Q. And is



there any reason why the force should not be as direct and perfect on a car that is known as a horse-car, as upon a car that happens to be drawn by a cable? A. Certainly there is a great reason why it should not be. Q. I don't understand it yet? A. Well, there is a lever power four feet long, and you can get more force out of that than out of a lever power two feet long. Q. Then, if it could be introduced on the best system of horse-railroad in the city, you would have the same force and the same stability? A. If it could be introduced; yes, sir. Q. Then it is simply a question of the application of a particular appliance to one car or another? A. Yes, sir. Q. That is as to the braking? A. Yes, sir. Q. Now, you say that in one of these cities, and in one of these avenues, there are four tracks? A. Yes, sir. Q. In which horse-cars and cable-cars are operated? A. Yes, sir. Q. How do the horse-cars do there; do they have any custom? A. Certainly; the horse-cars come from different lines. Q. And do they have passengers in the same streets in which there are cable-cars? A. No; because—Q. One moment; do they, in running along the same common route, share the patronage with the cable-cars? A. Well, they don't run on common routes until the last six or eight blocks of their route. Q. I understand you to say that when a truckman forgets to be polite out there—if a truckman forgets to pay polite attention to them—they convert their cars into a sort of battering-ram? A. I don't think I said that; I said they could do it, and in one instance I think they did. Q. I understood you to say that that was the method resorted to; didn't you mean that? A. Not as a customary thing. Q. When a truckman gets unnecessarily in the way, it is a habit, as I understand you to imply, of the conductor of the cable-car to run into him and displace him? A. Well, if he is very obstinate; it has been done on one or two or several occasions. Q. The result is that they abstain from blocking the cable-lines? A. Yes, sir; there is no confusion there since that trial—since just about that time. Q. Do you want a cable line on Broadway partly for that purpose? A. Well, I think, judging from my experience last Summer, that I would have been perfectly willing to have a cable line in the southern part of the city for that very purpose, and I would have paid a little bonus on it. Q. If our laws were

- 1907 enforced here, you would not have to have a cable for that purpose, would you? A. Well, I could not say; I am not sure how that is. Q. You have spoken about the cable road having added a great deal to the wealth and population of the Western cities, or to San Francisco; what do you think has been the effect of the Third Avenue horse-car line upon the population of the upper part of New York? A. That I could not say, as I am not sufficiently acquainted here. Q. And the elevated roads; what do you think has been their effect upon the wealth and population of the city? A. Well, of course, the Elevated Road has added a great deal to it by building up the northern part of the city. Q. Then you don't think it is the cable line that increases
- 1908 population? A. No, I don't think it is the cable that increases population, but I think the rapid transit does increase it? Q. Is it your judgment that in the City of New York, and especially in Broadway, a railroad suitably operated is a very great necessity? A. I should think it would be.

NEW YORK, February 7, 1885.

*Mr. Wickes:* If the Commissioners please, the Corporation Counsel appears before the Commissioners in pursuance of a communication from his Honor the Mayor.

- The position taken by the city is not that it opposes this railroad, or any other railroad, or that it
- 1909 favors this railroad, or any other Broadway railroad, but we are here to show to the Commissioners the value of the franchise, and to ask that in making up their report, if they should report that this road should be built, that the value of the franchise should be considered, and should be compensated for to the city.

*Mr. Bright:* Then, perhaps, I should record my objection and reception to this reception of testimony on behalf of the city in support of the various points stated by the Corporation Counsel in his opening.

GEORGE M. COIT, called as a witness on behalf of the City, being duly sworn, testified as follows:

*By Mr. Wickes :*

1910

Q. Mr. Coit, may I ask your age? A. Yes, sir.  
 Q. What is it? A. 46. Q. What is your business?  
 A. Fire insurance. Q. How long have you been  
 engaged in that business? A. 22 or 23 years,  
 thereabouts. Q. Where is your office? A. 158  
 Broadway. Q. Do you represent one or more com-  
 panies? A. More. Q. How many? A. Four.  
 Q. What are they? A. The Hartford Fire, the  
 Phoenix of Hartford, the Springfield of Springfield,  
 and the Franklin of Philadelphia. Q. Are you in-  
 terested in what is known as the Insurance Patrol?  
 A. I am. Q. To what extent? A. To what ex-  
 tent? Q. Yes. A. To the extent -- to the extent  
 first that all the underwriters are interested in it; I 1911  
 am interested to that extent; and am interested to  
 the extent that I am more immediately intersted in  
 it in being a member of what is called the Fire Pa-  
 trol Committee, which is a special committee of the  
 New York Board of Fire Underwriters, having in  
 charge the general fire patrol system. Q. Are there  
 stations for the storing of the Fire Patrol vehicles  
 and other appliances? A. There are. Q. How  
 many? A. Four. Q. Where are they situated?  
 A. One is in Murray Street west of Church Street;  
 one is in Great Jones Street west of Broadway;  
 one is in Thirtieth Street a little west of Sixth Ave-  
 nue; and one is in Ninetieth Street. Q. And in  
 cases of fire does the Insurance Patrol respond? 1912  
 A. They do; the alarms go to the different houses  
 of the Fire Patrol on the same system they do to the  
 Fire Department. Q. And you send out a greater  
 or less number of wagons in accordance with the  
 needs of the situation? A. One wagon is always  
 in service in the middle of the floor fully equipped  
 with the necessary apparatus that we use for the  
 purpose of saving property damaged by fire; there  
 is a detail regularly appointed for that wagon, and  
 on an alarm the horses are loosened from the stalls,  
 as is the system in the Fire Department, and they  
 go to the wagon at once, and if the call is for a sta-  
 tion on the list of that particular house the wagon  
 at once goes and is under charge of an officer.  
 Q. Do you send out more than one wagon if neces-  
 sary? A. Oh, yes, sir, sometimes we do at large  
 fires; we have had all our wagons from all our

- 1913 houses in service at one fire; but if a series of fires occurred at the same time, there are two fully equipped wagons in each house; one wagon is on service in the middle of the floor and the other is a reserved wagon; on an ordinary alarm one wagon goes out and another is immediately put in position in the middle of the floor; the second wagon may be called, and the details of the other houses may all be called on special call. Q. Are you familiar with the Fire Department of the city? A. Somewhat. Q. And with the appliances which they have? A. Yes, sir. Q. At their disposal for extinguishing fires? A. Yes, sir. Q. With the steam engines and the hook and ladder trucks and various appliances of that sort? A. Yes, sir. Q. You know generally where they are stationed, do you not? A. I may not be able to state definitely where all the stations are, but I know in general where they are. Q. You know in general? A. Yes, sir. Q. Is it important in cases of fires to promptly remove the fire apparatus from the place where it is stored to the scene of the conflagration? A. Yes, sir; of the utmost importance. Q. State why? A. Because a delay of a few moments may mean a very serious fire, and a prompt attendance, both of the Fire Department and of the patrol wagons, as far as our interests are concerned, is of the utmost importance in getting control of the fire before it gets to be a large fire, and before it can get beyond the ordinary control of the first called engines. Q. Is Broadway, as it at present exists, a convenient thoroughfare to be travelled by fire apparatuses in coming from their stations in cases of fire? A. So far as our wagons are concerned—the wagons of the Fire Patrol—they always take Broadway if they can; that is, they avoid the side streets if they can—if the location of the fire is such that Broadway can be conveniently used. Q. And is that so even if the actual distance to the fire may be greater, on account of your being able to proceed without interruption and at a greater rate of speed? A. That would be the case if there was a fire in a certain place; to illustrate—our lower patrol wagon is in Murray Street west of Church Street; if there is a fire down town anywhere—somewhere near Broadway—our wagon at once would come up Murray

Street and go into Broadway and down Broadway ; 1916  
 if the fire was on the west side of the city, west of our fire house, of course they would go down Murray Street ; if the fire was in the southern part of Washington Street or in Greenwich Street, it would then depend somewhat upon what street it was in, what course the wagon would take ; of course they want to go to the fire as soon as possible and get their covers on the goods before any water comes down on the goods ; that is their object, and they consult their best judgment, to be made upon the moment, as to what is the speediest way of getting there.

Q. As a general thing if they can use Broadway they prefer to do it, do they not ? A. Yes, sir. 1917

Q. Rather than any other street ? A. Yes, sir.

Q. And how as to Broadway compared with a street in which an ordinary surface railroad is run ? A. Our down-town wagon is sometimes much embarrassed by the railroad in Church Street ; for instance, during the busy part of the day, a fire north or south of Murray Street, the wagon would avoid Church Street by all means ; they would either strike over to avoid a block, to West Broadway, possibly ; or if the fire was not way over on the west side, they would invariably come to Broadway, because there they are sure of uninterrupted progress.

Q. And the object of that is to avoid delay ? A. The object is to avoid delay and to go to the fire as quickly as possible. 1918

Q. If Broadway should be given up to a surface railroad, would it involve, in your opinion, great delays in the extinguishing of fires ? A. I think it would involve delay.

Q. If a double track road should be laid through Broadway with convenient switches and sidings, would it in your opinion as an underwriter render the cost of fire insurance more ; would you consider that the risk was greater ? A. In my opinion it would delay the wagons in getting to the fire, and, of course, involve greater loss from the fire ; I think it would delay the engines in getting to the fire, and it would delay our wagons in getting to the fire, and that involves a greater loss.

Q. In your opinion all fire apparatuses would be delayed ?

A. Yes, sir. Q. Would it be reasonable in that event to expect or require of the city to increase the number of engine houses, the number of places that

1919 their fire apparatuses are stored in, in order to continue the prompt service which exists at present? A. Would it be expedient? Q. Would it be expedient in your opinion? A. Of course that would be the result of experience after the road was down to see what the delay would be, and what the inconveniences would be by the track; but I should judge that it probably might necessitate a larger number of fire engines. Q. And a larger number of station houses for the storing of fire apparatuses of various kinds? A. Yes, sir. Q. Mr. Coit, what from your point of view would be adequate compensation to the City for granting to the Broadway Surface Railroad Company, or any other street surface railroad company, permission to lay a double track with sidings through Broadway from the Battery to Fourteenth Street? A. The compensation to the city? Q. Yes; what would it be?

*Mr. Bright:* I wish to enter a special objection to that question on the ground that the witness is not competent to testify on that subject.

A. Well, that is a broad question, and I do not consider myself able to give an opinion upon that thing; you asked the broad question, what compensation the City ought to have. Q. I asked what, from your point of view as an underwriter, would be an adequate compensation to the City for giving up Broadway in view of these considerations which you have just expressed?

1921 *Mr. Bright:* I make the same objection.

A. In view of the possible increase of loss at fires owing to that inconvenience? Q. Yes, sir. A. I don't think it could be estimated; I don't think anything could be told about it; there is hardly a fire in the city, even of a large extent, unless it is the result of a sudden explosion, that could not have been controlled, and the loss made comparatively light had the engines been on the spot, close at hand, at once to take hold of it; many small fires are put out by the Fire Department officers by the use of fire extinguishers; many fires are put out by the use of fire extinguishers; I say many, I will say occasionally it happens; it has been the case in the vicinity of the Mercer Street house quite a number of times that small fires have been extinguished by the use of fire extinguishers which men carry upon

their backs directly from the house; that occasionally happens; it was, of course a matter of good luck, because it was close by; the officer discovered the fire and went directly to the patrol house, which was right there, and the men went right over there with their fire extinguishing apparatuses and put it out; had that been away a long distance and not been discovered promptly, the fire would have got headway, and every minute counts a good many thousand dollars; so it is utterly impossible to estimate what it might be; I am only speaking on general principles about it on that point; delay in that matter is dangerous and means heavy loss.

Q. Have any recent fires illustrated the inconvenience which a street surface railroad causes? I refer to the fire in Wooster Street this week and the one in Park Place; perhaps you are not familiar with them? A. I was not present at either of those fires; I have not been up in Wooster Street since the fires, but I have been to the Park Place fire and through that building.

Mr. Wickes: Well, I won't take up your time then. I thought perhaps you were familiar with those fires. That is all, I believe, at present.

*By Mr. Bright:*

Q. Do you yourself ever go to a fire in a patrol wagon? A. Yes, sir. Q. Is that a common thing for you to do? A. No, sir; it is not a common thing; it is just as it happens; if in the course of my duty on the Fire Patrol Committee, or as the result of the general interest in the work of the patrol I happen to be visiting one of the houses and an alarm comes in, I invariably get into the wagon and go. Q. Do you know where the Chapel of Trinity Church is in one of the streets east of the Bowery? A. Yes, sir. Q. What is the name of that? A. St. Augustine. Q. Suppose you were at Union Square with your patrol wagon and you desired to get to a fire that was contiguous to that chapel, how would you go? A. Suppose I was at Union Square? Q. Yes, sir; suppose you were at Union Square and Fourth Avenue, how would you go? A. Go down Fourth Avenue or go down Third Avenue. Q. You would either take Third or Fourth Avenue? A. You suppose me at Fourteenth Street with the patrol wagon

1925 and a fire down at St. Augustine's Church? Q. Yes.

A. And you asked how we would go? Q. Yes. A. To the junction of Third and Fourth Avenues, cross just below the Cooper Union building, and the wagon would go down from there. Q. You would go through Third or Fourth Avenue and the Bowery?

A. Yes, sir. Q. You wouldn't hesitate a minute to take that course? A. No, sir, probably not; you asked me—

Q. No, no, I beg your pardon; you must make your explanation afterwards; I am entitled to a complete answer to my question. A. Am I not

entitled to ask for an explanation of your question? Q. No, not now; if the question is answered and you want to qualify it by anything in the nature of

1926 argument, please defer it until Mr. Wickes calls your attention to it; I am trying to get at my side of it without any argument to meet what is substantially a complete answer; well, do you in going to a fire ever travel in the tracks of a railroad with your patrol wagon? A. It is so seldom that I have been

to a fire in a wagon that I cannot say exactly; last time I went to a fire in a wagon—

Q. Just give us an answer without any explanation, whether you yourself ever go to a fire with your patrol wagon, using the tracks of a railroad? A. Whether I have

been ever in a wagon that has been on a railroad track? Q. Yes; whether in going to a fire in a

patrol wagon—whether you have travelled in the tracks—in any instance in the track? A. I think I

1927 have. Q. Suppose that in a time of snow, after a snowfall of a foot, you were at Madison Square and

desired to go to a fire at the foot of Twenty-third Street; suppose that Twenty-third Street is in the

usual condition which a citizen thinks is objectionable after a snow-storm and the sweeping of tracks,

and Twenty-third Street and Twenty-fourth Street are in the condition that our streets ordinarily are

in after a snow-fall of a foot, how would you go to the fire with your patrol wagon? A. If it was in

the night, without any question they probably would go in Twenty-third Street. Q. Do you think that

public convenience calls for a railroad in Broadway irrespective of your view as an underwriter? A. I

live in Brooklyn; I use in going uptown almost always the elevated railroad, and on that point I am

not clear; I do not know whether it does or not.



Q. You know very little then about the necessities of travel in New York ? A. Oh, I know something about it, of course. Q. I understand your answer to imply that you do not know enough about the necessities of travel in New York to express an opinion upon the question I asked you. A. I qualified my answer by stating that I lived in Brooklyn, and I also meant to tell you what my experience was ; I should say in general, if you want a plain answer to that, that the elevated railroad gave facilities enough without a railroad in that street ; that would be my impression, although I never thought of it or discussed it at all. Q. Then you do not know whether the elevated railroads on both sides of Broadway are overcrowded or not ? A. I know at certain times of the day they are. Q. Do you know whether the horse car lines on both sides of Broadway are crowded or not ? A. I do not ; I rarely ever use them.

*By Mr Wickes :*

Q. You were about to make an explanation before ? A. The question put to me was whether, located at Union Square, and there was a fire in Houston Street east of the Bowery, and I was in the wagon, which way I would take to go to the fire ; I should have to ask where you locate me in Union Square.

1930

*By Mr. Bright :*

Q. I said at the Fourth Avenue. A. The first question was at Union Square. Q. I added at Fourth Avenue. A. If it was over at Fourth Avenue, the wagon would go down the avenue ; though it was on the west side of Union Square, it would go down Broadway. Q. The distance of Broadway from Fourth Avenue is about one hundred feet or so. A. I think it is more than that. Q. Call it two hundred feet ; it is not more than two hundred feet, is it ; there is only the Morton House and two or three restaurants there. A. Well, it is just one block—no, perhaps your estimate is about right ; it is about one hundred and fifty to two hundred feet. Q. And with this little distance from Fourth Avenue to Broadway you still say you

- 1931 would go down the perilous track of the railroad? A. I may qualify that by saying it might depend somewhat upon the time of day; now, the avenue is not a crowded street, and the wagon probably would have a clear course there almost every time in the day; I do not think there is any question but what they would go down the avenue; but if it was in the daytime and it was crowded they would exercise their judgment about it at the time. Q. Do you think still, Mr. Coit, that you would prefer the open space of the Bowery and Fourth Avenue from that point, or the trucks and stages and hackmen of Broadway? A. Oh, I think they would prefer Broadway; because I have noticed when I have been on the wagon riding to a fire through Broadway—one
- 1932 case I have in recollection very clearly—I was in the Great Jones Street house one day, and there was a fire alarm way down town in Beekman Street; it was a second alarm; there had been a previous fire, and the officer in control of the Great Jones Street house knew that the first wagon of what we call our No. 1 Murray Street was out, and that it was his duty to respond to that alarm, although the call was out of his legitimate district; and in that case instead of going down the avenue east from Great Jones Street—the house was located near the centre of the block between Third Avenue and Broadway—the wagon, without any hesitation, went to Broadway and went down, and I was in the wagon; it
- 1933 was in the latter part of the afternoon, when the street was full; but there was no delay to the wagon all the way down; the street was cleared with wonderful alacrity; I never have had any experience before in seeing just how one of our wagons or a fire apparatus would go through Broadway while the street was really crowded; but it was cleared very rapidly, and the wagon went down Broadway without any delay at all. Q. Do you recollect any occasion when you witnessed any delay to one of your wagons in running through the Fourth Avenue and Bowery route that I have described to you? A. The number of times that I have ridden to a fire on the wagons is very few. Q. Speaking of that particular route—answer that question, please. A. I answered your question before, that I had been on a wagon on a railroad

street. Q. No ; I beg your pardon ; I must keep 1934  
you to that question ; the question is, do you recollect any occasion when you saw any of your wagons detained on the route that I have named—through Fourth Avenue and the Bowery ? answer that question, and only that. A. No.

*By Mr. Wickes :*

Q. Would not such a prompt clearing of Broadway, as you have described, be impossible in case of a double track railroad being placed on Broadway ?  
A. Oh, it would be much more difficult, because a car cannot get out of the way ; whereas the wagons and the wheeled vehicles can ; and furthermore, there would be, I apprehend, the difficulty of endeavoring to turn out and to guide the wagon through the street where there are tracks ; the only time that I have been on a wagon, to my recollection, through a railroad street was one night going up Fourth Avenue on one of our wagons ; the street was entirely cleared, and my impression is—I am quite sure of it—the wagon took the track ; there were no vehicles in the streets at all ; it was in the night and the street was comparatively vacant.

*By Mr. Fuller :*

Q. If you will be kind enough to repeat where the engine house that you speak of is located in Murray 1936  
Street west of Broadway ? A. West of Church Street. Q. What part of Broadway do you consider the most crowded ? A. I had supposed the part of Broadway below Canal Street. Q. From Chambers Street to the Battery, what part do you consider the most crowded ? A. I should suppose from Chambers Street to Fulton ; although I have seen the street blocked very many times below Fulton Street. Q. Then if you wanted to reach a fire in great haste, you would go into the part of Broadway that was the most blocked to get to the Battery, instead of going down Church Street direct to the Battery ? A. The wagon would go to Broadway, sir. Q. Into the most crowded part of it ? A. To go to the Battery the wagon would go to Broadway. Q. Is it not a fact that the fire wagons and ladder wagons have a right of way in the railroad

- 1937 track by law? A. I do not know. Q. Supposing there was a foot of snow in any avenue or street in the city and you were called out to attend a fire, and a railroad track was clear, would you keep to the side of the street, or take a street where there was snow, or take the railroad track? A. Probably take the railroad track. Q. Are the drivers generally expert drivers on the engines? A. They are; they are hired for that particular purpose; at least they are hired with that particular service in view. Q. Would it be impossible for you to turn out and go around a car with a foot of snow on the ground? A. Without any snow on the ground it would be possible, certainly. Q. Then you could drive around a car in case of necessity? A. Oh, of course; when they go to a fire they go as fast as their horses carry the wagon, and they would have to slacken their speed, and turn out and go around the car if necessary. Q. Supposing you would come up behind a truck heavily loaded in Broadway, or a stage, could you turn out and go around it if you were in a hurry? A. I haven't seen a case of that kind, because ordinarily when there is a fire and the fire apparatuses or our wagons are coming down, the police have cleared the street, and I have seen a good many heavy, loaded trucks turn out and take the side of the street, leaving the centre of the street for the fire apparatuses; I do not know that I ever saw one of our wagons which had to turn out; if a truck was heavily loaded and they couldn't get out of the way, of course they would turn out. Q. Haven't you seen your wagons go through the streets of New York and go around trucks and stages; have you any of your drivers here that are going to testify?
- 1938
- 1939

*By Mr. Wickes :*

Q. I want to ask you one question about what is known as the dry goods district; the most destructive fires and the fires at which the greatest losses have occurred, I understand, have been in that district in this city; is that a fact? A. Some of our heaviest losses have been in the dry goods district. Q. And what is the dry goods district? A. It is what is called the district from Chambers Street to Canal Street and from Broadway to West Broadway,

and also in that district generally included would 1940  
 also be the stores on the east side of Broadway,  
 such as in Crosby Street or Elm Street. Q. But  
 that district is on the line of Broadway—may be  
 said to be on the line of Broadway? A. Yes, sir.  
 Q. And in case of a general alarm calling out more  
 than one district of engines, the apparatuses from  
 up-town would invariably take Broadway, would  
 they not, in case of a fire in the dry goods district?  
 A. Yes, sir. Q. That would be their most direct  
 route? A. Yes, sir; we have a lease only of our  
 buildings in Murray Street; some of the other  
 buildings we own—all of the others; the one in  
 Murray Street is leased and it has been in contem-  
 plation by the underwriters several times to change 1941  
 the location of that house on account of the con-  
 dition of Church Street and on account of the con-  
 dition of Murray Street which is sometimes a good  
 deal blocked, to get in some place where Broadway  
 could be more easily reached and where there would  
 not be the up-grade that there is in Murray Street,  
 and to get on to some street like either one of these  
 streets here—this street or the one above it directly  
 on this block, which would give that wagon near-  
 ness of connection to the dry goods district, which  
 is one part of the city which we have, perhaps, as  
 underwriters, as much anxiety about as we have  
 about any other.

*By Mr. Bright :*

1942

Q. There is no railroad in Murray Street, is there?  
 A. No, sir.

Q. (*By Mr. Fuller*): I asked you the question if  
 the fire engines have the right of way in the track;  
 I should not have said the right of way in the track  
 but the right of way in the street; the law allows  
 them the right of way, does it not? A. I presume  
 so; I judge so; I do not know what the law is upon  
 the point, but I infer so from the fact that the po-  
 lice always clear the street and give the fire appa-  
 ratuses the right of way.

*By Mr. Bright :*

Q. Don't you think that a steam engine with  
 horses tearing along at the rate of ten miles an

1943 hour, and the bell-ringing would create a right-of-way almost in any street? A. I think I should get out of the way if I was in a wagon.

*Mr. Evarts* : Right away?

*The Witness* : Yes.

JAMES A. SILVEY, called as a witness on behalf of the City, being duly sworn, testified as follows:

*By Mr. Wickes* :

Q. What is your business? A. Fire insurance.  
 Q. Where is your office? A. 115 Broadway. Q.  
 How long have you been engaged in that business?  
 A. Twenty-four years. Q. What companies do you  
 1944 represent? A. I am the Secretary of the German-American Insurance Company. Q. Are you also a member of the Fire Patrol Committee? A. Yes, sir. Q. Do you co-operate with the members of the Committee and co-operate with the Fire Department of this city? A. Yes, sir. Q. Act with them? A. Yes, sir. Q. Upon all matters relating to underwriters and of general public importance connected with conflagrations and the extinguishment of fires? A. Yes, sir; not as to the extinguishment of it; that is, of course, within the control only of the Fire Department, as a rule. Q. But in the other respects that I mentioned, you do co-operate with the Fire Department? A. Yes, sir. Q. And you  
 1945 are familiar, are you not, with the operation and management of our City Fire Department? A. Yes, sir; to some extent. Q. Did you hear the testimony of Mr. Coit? A. Yes, sir. Q. Do you concur with the views that he has expressed relative to the proper moving of apparatuses from the station houses to the seat of a fire and to the necessity of a thoroughfare, open and unimpeded, for such moving? A. Yes, sir. Q. And of the utility of Broadway as it at present exists for such purposes? A. Yes, sir. Q. Would a railroad of any description in Broadway in your opinion interfere with the prompt fire service? A. Yes, sir, I think it would. Q. Will you briefly state your reasons why? A. It would be an obstruction which does not now exist; I believe that the vehicles that run on Broadway now, every day, as we see them, can be and are easily moved in case the thoroughfare is necessary

to be used for moving the apparatuses of the Fire Department; while vehicles that are confined to tracks and could not be moved off of these tracks, are certainly an obstruction to the apparatus going to a fire. Q. Then if I understand you a surface railroad in Broadway, a double track there, would delay the fire service? A. I certainly think so. Q. And delay is the one thing you desire to avoid in case of fire, is it not? A. Yes, sir. Q. Prompt service is, you may say, worth thousands of dollars? A. Is of the utmost importance. Q. The loss of two or three minutes is the loss of thousands of dollars at times? A. Yes, sir. Q. Have you given any thought to the subject of the compensation to the municipal authorities, in payment of these privileges, applied for by the surface railroad company, in connection with your point of view as an underwriter? A. No, sir, I cannot say that I have. 1946

*By Mr. Bright:*

Q. You concur, then, in all the views and facts that Mr. Coit stated on his examination and cross-examination? A. Yes, sir.

*By Mr. Evarts:*

Q. Mr. Silvey, you live in this city? A. No, sir. Q. Where do you live? A. I live in Orange, N. J. Q. And you do not go up and down Broadway very much? A. Yes, sir; a good deal. Q. What means do you employ for getting up and down Broadway below Fourteenth Street? A. Well, I usually walk. Q. You walk? A. Yes, sir. Q. Would not, in your opinion, cars, if such were used in Broadway, interfere not only with the passage of the apparatus of the Fire Department, not only because of their being there themselves but because they presented obstructions to and prevented other vehicles from getting out of the way? A. Yes, sir; I think so. 1948

CHARLES M. PECK, called as a witness on behalf of the City, being duly sworn, testified as follows:

*By Mr. Wickes:*

Q. What is your business? A. Insurance, sir. Q. Where is your office? A. 60 Liberty Street. Q. How

- 1949 long have you been engaged in that business? A. Twenty-three or twenty-four years. Q. What companies do you represent? A. I represent the City of London, the Fire Association of Philadelphia, the Mechanics of Philadelphia and the United Firemen's of Philadelphia. Q. Did you hear the testimony of Mr. Coit just given? A. I did, sir. Q. And of Mr. Silvey? A. I did, sir. Q. Are you a member of the Fire Patrol Committee as they are? A. I am, sir. Q. Do you endorse all that they have said? A. I do, sir. Q. Do you endorse what Mr. Coit said about the dry goods district in this city? A. I do not recollect; I do not know what part of the evidence you refer to, sir. Q. He spoke of the dry goods district as being that point of the city towards which underwriters look with special anxiety and concern. A. I agree with him there. Q. And he described the boundaries of it generally as being from Crosby Street to West Broadway and from Chambers Street to Canal. A. Yes, sir; it extends even above that, as far as Houston Street, which is now known as the new dry goods district. Q. But all on the line of Broadway, is it not? A. Yes, sir; all on the line of Broadway. Q. So that in moving fire apparatuses from the station where they are stored to the scene of a fire Broadway would be the only avenue convenient to reach it? A. We seek that now in preference to any other. Q. And that is because the present traffic on Broadway can easily give space to the fire engines rapidly going to a fire? A. that is the reason, sir. Q. Whereas, I suppose it would be much more difficult to make a car which ran in a certain track get out of the way? A. We find it so. Q. And there are difficulties also, are there not, in driving in a street where there are railroad tracks? A. Difficulty in turning out of the tracks and going by the cars. Q. Have you ever known a fire apparatus to become disabled by such causes? A. We have come in collision with the cars; it is not infrequent.

*By Mr. Bright:*

Q. You would not get into collision with them if you were not on the tracks, I suppose? A. No, sir; possibly not. Q. Suppose Broadway was wide enough to admit of your traveling on the side, and the street was not so crowded but that you could travel on



either side, would you sometimes find yourself in the tracks probably? A. Find ourselves where, sir? Q. Find yourselves in the tracks? A. We should take the clearest road; if the road on either side was clear we should take that; if there were vehicles on either side we should take the track. Q. Suppose you were going to fire on a Sunday when there might be no cars on Broadway and no vehicles, would you go on the side or would you take the tracks? A. If there were no vehicles there, I think we should take the side. Q. And no cars? A. Well, I cannot say; that would depend, sir.

Q. If it is a matter of life and safety and all that, under such circumstances where would you go? A. It would depend—— Q. Let us have it— which would you do; try to form an opinion? A. Well, I don't know as I could say; it would depend altogether upon the circumstances; I could not judge unless you stated a specific case. Q. I will wait until a fire and put it. 1953

*By Mr. Fuller:*

Q. Do you ever come in collision with trucks, stages and carriages? A. We do, sometimes. Q. Any oftener than you do with cars? A. I don't know that we do or not, sir; the trucks make way for us generally.

*By Mr. Evarts:*

Q. Do you live in the city, Mr. Peck? A. I do sir. Q. And have for how many years past? I have for forty. Q. Where is your residence? A. Fifty-sixth Street. Q. Do you go up and down town every day? A. Every day, sir. Q. What means of getting up and down town do you employ? A. I mainly take the elevated railroad—the Sixth Avenue. Q. You have been familiar with New York City and with Broadway during your residence here? A. I have, sir. Q. In your opinion would the crowded state of Broadway be relieved by a double track horse railroad with horse-cars running on it? A. Really I don't know that I am able to express an opinion on that point. 1954

*By Commissioner Harris:*

Q. If there was a railroad on Broadway could engines still go on that street, or would they go up

- 1955 some side street? A. Well, I think they would naturally seek Broadway; of course it would depend upon the district they wished to reach; of course we take sometimes South Fifth Avenue or West Broadway, as the case may be—wherever the locality of the fire may be; we naturally take the widest street and the street where we think we can get through the quickest. Q. That is, if the fire was west of the middle of the block between Broadway and West Broadway, you would rather take West Broadway or South Fifth Avenue? A. It would depend; we would take the widest street; we find some difficulty, as Mr. Coit stated, in getting up Church Street on account of the cars and on
- 1956 account of the trucks that are there; we would naturally take either West Broadway or Broadway; it would depend upon where the alarm came from. Q. You do use West Broadway now? A. Oh, of course, and fires west of West Broadway, we wouldn't go up Broadway—that is with our patrol on Murray Street; if the fire was above Canal Street and in parts west of Broadway, then we would take Broadway coming down from Great Jones Street from Patrol No. 2, which patrol covers a certain district; No. 1, down in Murray Street, only covers as far as Canal Street, No. 2 covers from Fourteenth Street down to Canal Street, so that each patrol has its own particular district.

1957 *By Commissioner Lord :*

Q. Both east and west of Broadway? A. Yes, sir, both east and west of Broadway.

*By Mr. Fuller :*

Q. Are you accustomed to driving horses? A. I haven't recently, because I have no horse now; but I have owned a horse of my own, and I am accustomed to drive horses. Q. You have driven horses with carriages or wagons, haven't you? A. Yes, sir. Q. Mr. Bright asked you the question if there was a railroad on Broadway, and on Sunday, when no cars were running and no trucks standing there, and there were no carriages on Broadway, what would you prefer, driving on the rails or along the side of the street; wouldn't you go

nineteen times out of twenty, and probably ninety-  
 nine times out of a hundred in the track instead of  
 taking the side of the street? A. If I had a light  
 wagon I should not; if I were driving a fire patrol  
 wagon—well, I am not accustomed to driving a fire  
 patrol wagon—the fire patrol wagon would not be  
 hurt by the track, and I cannot say whether I would  
 take the track or not; if I were driving a light  
 wagon or a carriage, such as I have been accus-  
 tomed to drive, I would take the side of the street  
 and not the track, because I should be afraid to hurt  
 the wagon. Q. Maybe when we get the track we  
 shall learn something about it; I should take the  
 track. A. Well, that is a difference of opinion  
 between you and I.

1959

HUGH BONNER, called as a witness on behalf of  
 the City, being duly sworn, testified as follows:

*By Mr. Wickes :*

Q. Mr. Bonner, you are connected with the New  
 York City Fire Department? A. Yes, sir. Q. How  
 long have you been so connected with it? A.  
 Twenty years. Q. What position do you now hold?  
 A. Assistant-Chief of the Department. Q. And do  
 your duties require you to attend fires? A. Yes,  
 sir. Q. And you and your immediate superior are  
 always in attendance? A. Either one is always  
 present in this section of the city. Q. What route is  
 taken by the engines and trucks of the Department  
 in going to fires? I refer to such trucks and engines  
 as are near the line of Broadway. A. Broadway,  
 generally. Q. There is an engine in Elizabeth  
 Street, is there not? A. Yes, sir. Q. And one in  
 Wooster Street? A. Yes, sir. Q. And one in  
 Marion Street? A. Yes, sir. Q. All in the vicin-  
 ity of Prince Street, near there? A. Yes, sir. Q.  
 And in going up or down-town to fires they take  
 the line of Broadway? A. Through the lower sec-  
 tion we always take Broadway. Q. What is the  
 reason of that? A. Well, we find we can make bet-  
 ter time on Broadway; vehicles will give way very  
 easily to our apparatuses. Q. And you can thus  
 reach fires more promptly? A. Yes, sir; and with  
 better time arriving at fires. Q. And it is a rule

1960

- 1961 with you to go to the scene of the fire as quickly as possible? A. Yes, sir. Q. Every energy is bent to accomplish that? A. Yes, sir. Q. And in Winter time is that so? A. Sir? Q. In Winter time, do you also always take Broadway? A. Well, yes; we find going is much better, and if there is a snow-fall it is generally clear. Q. It is generally the first street opened up? A. Yes, sir; generally the first street opened. Q. Would a railroad in Broadway—double track railroad with sidings—occasion delay in moving apparatuses to a fire in your judgment? A. With the present traffic I think it would. Q. Why? A. Well, we find that vehicles will very easily give way to our apparatuses; but railroad cars will not;
- 1962 they cannot leave the track unless we force them off, and that we do not do very often. Q. And is it not also true that in cases of surface railroads blockades are more apt to occur? A. In a crowded thoroughfare, yes. Q. In turning out of tracks or in turning into streets where there are railroad tracks laid, does that occasion delay or annoyance? A. It occasions delays and it occasions wear and tear on our apparatuses. Q. Wear and tear to what extent? A. Well, that I could not say. Q. Have you ever known an engine to break down or a truck to break down on railroad tracks? A. Well, we find it shakes the bolts in the boiler and loosens the joints and causes leaks in the boiler, and delay is caused
- 1963 by the driver being compelled to pull up often to get around a car. Q. And you cannot leave the track at a high rate of speed but have to slow up? A. Yes, sir. Q. And that occasions delay? A. Yes, sir. Q. Is it your custom to go to fires with your horses on the gallop, pitching along at as fast a rate as they can go? A. Yes, sir; generally that is the way.

*By Commissioner Harris :*

Q. What percentage of your fires are in the night time? A. Probably 75 per cent.

*By Mr Fuller :*

Q. Your engines fit the tracks? A. Yes, sir. Q. Are they not made with that purpose? A. We take the track gauge for our apparatuses, yes, sir. Q. So

that your engines are made to fit the track? A. 1964

Yes, sir; now, one moment; I cannot say that they are made to fit the tracks; that is the general gauge. Q. I believe they are; I believe it is the fact that they are made with that special reference.

A. That is the general gauge in general use; not only for our apparatuses but for many others. Q. I know they are made to run in the track; you say that you have to slow up to get out of the track?

A. Yes, sir. Q. Can't you go so much more rapidly in the track that you can afford to slow up a little to get out?

A. No, sir; we do not generally go much faster in the track. Q. You cannot go much faster in the track?

A. We can, but we don't do it; there is a limit to our speed and we are not al- 1965

lowed to go over that limit. Q. What is that limit?

A. As fast as a man can run ahead of an apparatus.

Q. Then it depends upon how fast a man can run?

A. Yes, sir. Q. Suppose he can run as fast as Myers, would you keep up with him? A. Yes, sir. Q.

But then why do you drive into the track if you don't go any faster?

A. Well, we find it easier on our apparatuses; that is, provided the street is not in good condition on either side. Q. That is, you find it much easier?

A. Much easier riding; we can make a good deal better time; that is, provided the cars are not in the way.

*By Mr. Wickes:*

1966

Q. I understand you to say that a railroad in Broadway, a double track railroad in Broadway, would occasion delay?

A. Yes, sir. Q. In moving your apparatus to the scene of fire?

A. Yes, sir.

*By Mr. Bright:*

Q. You spoke about sometimes forcing cars off the track; please explain that. A. We very often attempt to leave the track, and our wheels slide along the track, and we strike the car before we can bring the apparatus off, and it naturally forces the hind part of the car off of the track, and sometimes damages the car very much. Q. I must have mis-

understood you; I understood you to speak sometimes of requiring the cars to make way for you.

A. Sometimes we force our way; that is what I

1967 meant by forcing our way; we slide along the track in attempting to get around the car. Q. You did not mean to speak then of requiring the cars to leave the track? A. Oh, no, sir; certainly not; we generally leave the track to them.

*By Commissioner Vance:*

Q. Is it your custom to send a pioneer ahead of your companies in crowded thoroughfares? A. Yes, sir. Q. And you send him ahead to give warning to vehicles and cars so as to clear a way for your engine? A. Yes, sir.

1968 *By Mr. Wickes:*

Q. And in response to that warning they turn aside? A. Yes, sir; generally—except we meet with some stubborn driver.

*By Mr. Bright:*

Q. According to your observation, what is the proportion of stages that occupy Broadway all the time compared with other vehicles—trucks, &c.? A. Well, I should judge two-thirds of the vehicles on Broadway are stages. Q. And their disappearance would afford very great relief, would it not? A. I think so. Q. Is your principal trouble in rushing through the streets caused by the presence of stages? A. I think so, on Broadway. Q. A great nuisance? A. Yes, sir; they are.

1969

*By Mr. Erarts:*

Q. Do you think the removal of a certain number of stages would relieve Broadway any more than the removal of the same number of trucks? A. I think the removal of stages to a point to the north of Fourteenth Street would relieve Broadway. Q. But won't you answer my question? Would it relieve it any more than the removal of the same number of other vehicles? A. I think not.

MICHAEL WALL, called as a witness on behalf of the City, being duly sworn, testified as follows:

*By Mr. Wickes :*

1970

Q. You are connected with the City Fire Department, are you not? A. Yes, sir. Q. How long have you been a fireman? A. I have been three years last December. Q. With what company are you connected now? A. Hook and Ladder 9, 209 Elizabeth Street. Q. In what capacity? A. I am a driver, sir. Q. In going to fires, do you frequently use Broadway? A. Use it all the time. Q. Why? A. I use Broadway all the time I can. Q. Why? A. Well, because there are rough places down below Broome Street, and because it is the best going; I can make better time there. Q. And time is of the utmost importance to you? A. Yes, sir. Q. Why can you make better time in Broadway? A. Be- 1971  
cause it is wide and there is nothing in the way, and if there are wagons or stages or anything of the kind, the policeman on the corner—all he has got to do is to blow his whistle and everybody gets out of the way; I cannot go from Elizabeth Street to Grand Street and take the car tracks, because there are so many blockades there and everything on the track, and I cannot drive in there because I am liable to spring an axle or throw a horse down and wrench him—stepping on a railroad track he is liable to lose his footing and wrench himself. Q. And does the apparatus get wrenched in turning in and out? A. Yes, sir. Q. Have you ever known it to become disabled and broken down? A. Yes, 1972  
sir; here a time ago we broke an axle on Canal Street and the Bowery, by catching in the frog and we broke down, and one of my horses is strained now from a railroad track. Q. How long is your hook and ladder truck? A. It is about—I guess it is about thirty feet long from the end of the ladder to the point of the pole. Q. Would a double track railroad in Broadway, if one should be laid in Broadway, interfere with your prompt attendance on fires? A. I think so, sir. Q. Why? A. Well, we cannot pull out of it quick enough; we have to slow up because the truck slides and is liable to go over—slides on the tracks and liable to tip over; I have known engines to tip over; in Stanton Street, for instance, coming off of Ludlow to Stanton, one struck against the rail and went right over on the sidewalk; I never use a track if I can possibly avoid

1973 it, because it is liable to break an apparatus down; on the outside of the track in the Winter time when the snow is heavy, the trucks always travel in the track, and outside of the rail it is all socked down in the streets from heavy laden trucks going along there, and we cannot certainly go there when the snow is about twelve inches deep; we never use the track if we can avoid it. Q. This place outside of the rail is made by the broad gauged trucks? A. No, sir. Q. They run one wheel in the rail and the other perpetually in a certain 'groove and gradually wear a place there? A. Yes, sir. Q. Then it is your opinion, I understand, that in moving hook and ladder trucks to a fire a railroad in Broadway would occasion delay? A. I should think so, sir; I should never take it; I should never take a track if I could avoid it.

*By Mr. Bright :*

.Q. How long have you been a driver? A. About a year and a half, sir; I have been driving all my lifetime. Q. I mean in the Fire Department? A. About a year and a half. Q. How many break-downs have you had in that time? A. I have sprung one axle. Q. How many times are you out in every week? A. Well, we average about forty runs a month. Q. Where is your station? A. 209 Elizabeth Street. Q. You have to go in every direction? A. Yes, sir. Q. Go over car tracks? A. Yes, sir. Q. In almost every run? A. Yes, sir; sometimes we cannot avoid it. Q. Take it as you go; do you in almost every run have occasion to run over or upon car tracks? A. Every run we run over a car track. Q. You make good time, too? A. Pretty good time, yes, sir. Q. You feel very well satisfied with your forty runs a month, during the last year and a half? A. Yes, sir. Q. And make perfectly good time? A. Yes, sir. Q. Wherever you have been—in whatever direction you have gone? A. Well, we go to Canal Street and—Q. No, no; but you have made good time universally? A. Yes, sir. Q. And had one break-down? A. Yes, sir. Q. Do you think that that one break-down was chargeable to one particular railroad? A. I sprang an axle, that is all. Q. What do you think



about stages? A. Well, I think they are pretty good. 1976

Q. Do you agree with the captain who was on before you? A. As to railroads and stages? Q. Yes, sir. A. Yes, sir. Q. Are they a great nuisance to the Fire Department? A. Yes, sir; but they can get out of the way. Q. If they get in your way it is pretty bad? A. Yes, sir. Q. About what proportion of stages seem to you to be in Broadway? A. Well, the stages are about the principal part of the business in Broadway; that is in the mornings and afternoons. Q. They seem to be everywhere all the time? A. Yes, sir; but at night time, of course, there are not so many. Q. And they are less accommodating than anybody else? A. Yes, sir. Q. Are they generally walking or trotting? A. Well, sometimes trotting 1977 and sometimes walking. Q. They are quite apt to be walking in Broadway, aren't they, most of the time? A. Well, they are supposed to be trotting. Q. What is your observation? A. Well, they are supposed to be trotting, but they walk some down town here. Q. Is it your observation that they will walk when they can—when they get a chance? A. No, sir; they trot when they get a chance. Q. Suppose you wanted to go from this station at the corner here by the Court House, do you know where that is? A. Yes, sir. Q. Court House and Centre Street, is it? A. Yes, sir; Station 7. Q. Do you know where the *Clipper* Building is—the *Clipper* office building, opposite the Tombs? A. Yes, sir. Q. Suppose you wanted to go 1978 up to Grand Street on that same street? A. Yes, sir. Q. How would you go? A. I certainly would take Centre Street. Q. You would not take Broadway? A. No, sir. Q. Wouldn't you have to? A. No, sir; certainly not.

*By Mr. Wickes:*

Q. Where have the most destructive fires occurred since you have been in the Fire Department; what part of the city? A. The most destructive, sir? Q. Yes. A. Well, sir, I guess the most destructive is west of Broadway, in what we call the dry goods district; that is what they are all afraid of.

Q. It is a part of the city where the most value is supposed to be concentrated? A. Yes, sir. Q. That is the place in the city where, when you receive an

1979 alarm, you always feel the greatest anxiety about, is it not? A. Yes, sir. Q. And to move the apparatus to the dry goods district, it is more important to get there promptly than to any other district in the city, is it not? A. Yes, sir.

*By Mr. Fuller :*

Q. Do your trucks fit the tracks? A. No, sir. The truck I have got won't fit the track. There are three or four new apparatuses, as they have got in Chicago, that are about eight inches broader than the track. Q. When you drive on a track with your truck which wheel do you run in the rail? A. Sir! Q. For instance, you are going up town and there  
1980 was a railroad in Broadway, which wheel would run in the track? That is, if you were going up Broadway, would you run your right wheel in the track? A. I would run my right wheel in the track if I was going to a station on that side; I would certainly keep the wheel on the inside of the right hand track going up, because if I wanted to get out and I had the other wheel in instead, I would be liable to tip over and break my neck. Q. Then if your truck runs in that way it is not difficult for you to get out of the track if you turn at right angles? A. Not if I have the right wheel on the inside of this track going up town, and there is nothing in the way of the outside wheel, I can do it; but if I do not get  
1981 the rail right I am liable to be pulled out of the seat and break my neck. Q. You ought to if you do not turn out right; you say you strained your horse in a railroad track? A. Yes, sir; wrenched him. Q. How did he wrench himself? A. Slipped on the track. Q. Slipped on the track? A. Yes, sir. Q. When there is a fire you generally take the shortest cut to it? A. Yes, sir.

*By Commissioner Lord :*

Q. Have you the whole control of your truck? A. I have the whole control of it entirely, sir. Q. But the man that steers, isn't he responsible for more than you are? A. No, sir; the driver is more responsible than the wheelman, certainly; I have got to look out for him. Q. I thought you went as fast as you could and he took care of you? A. No; I have got to carry him right.

*By Mr. Wickes :*

1982

Q. He follows the direction which you indicate ?

A. Yes, sir.

EDWARD C. BECKER, called as a witness on behalf of the City, being duly sworn, testified as follows :

*By Mr. Wickes :*

Q. Mr. Becker, you are in the Fire Department ?

A. Yes, sir. Q. How long have you been a fire-

man? A. Two years next May. Q. What do you

do? A. Driver of the apparatus. Q. What do you

drive? A. The engine. Q. What engine? A. No.

13 of No. 99 Wooster Street. Q. Engine No. 13,

stationed at 99 Wooster Street? A. Yes, sir. Q.

Did you hear the testimony of Mr. Wall? A. Yes,

sir. Q. As to the use of Broadway? A. Yes, sir.

Q. Are you accustomed to use Broadway when you

have a fire, up or down town, on or near the line of

Broadway? A. Yes, sir. Q. And why is that?

A. To avoid the railroad tracks ; if I get into the rail-

road tracks, and there is a car ahead of me, I have

to put on the break and come to a standstill, and

pull out the apparatus ; the apparatus weighs 7,500,

and all the weight is on the hind wheels, and I have

got to come almost to a dead standstill to get out. Q.

The boiler and the engine—the machinery—is mainly

located over the hind wheels? A. Yes, there is no

weight on the front. Q. And when you come to a

standstill, and have to pull out of course that occa-

sions delay? A. Yes, sir. Q. And then you are

late in getting to a fire? A. Yes, sir. Q. You are

required to go to a fire, are you not, as rapidly as

possible? A. Yes, sir. Q. And you are required

to make reports to the Commissioners of the time

you make in getting to the fire, are you not? A.

Yes, sir ; the officer in charge does that. Q. And

you select, therefore, the best route, not necessarily

the shortest, but the one that you can pursue with

the least expenditure of time? A. The one that I

can make the best time on ; I ain't supposed to

know, and I don't know when my horses are going

the fastest ; I drive them as fast as they can go, and

I am always trying to get more out of them. Q.

And when a fire occurs in the vicinity of Broadway,

at a considerable distance from your station, you go

to Broadway, and then turn to the scene of the fire

1983

1984

- 1985 when you get opposite the point? A. Yes, sir; always take Broadway in the day time. Q. Not in the night time? A. Yes, sir; now, if the station is at the corner of Church Street and Barclay, to avoid pulling out of the tracks, I go down Broadway. As a general thing, when a man pulls out with an apparatus, out of the track, the hind part will slue in toward the gutter, and if the hind wheel strikes the curb, nine chances out of ten it will break it down. Q. How do you mean? A. If I strike the curb. Q. Will you break the axle? A. It will break the axle or wheels; something has got to go. Q. Have you ever known of a case of that kind? A. Not in my experience; I have known them, I have seen that when I was up town. Q. You have seen it? A. Yes, sir. Q. In what district of the city do the most destructive fires occur, as far as you have observed? A. In the dry goods district here. Q. Would it hinder you in going to a fire to have a railroad in Broadway—double track railroad. A. Yes, sir; I think it would, sir. Q. It would delay you reaching the scene of the fire? A. Yes, sir.

*Commissioner Harris:* About 75 per cent. of the fires occur at night?

- The witness:* Yes, most of the fires are at night. Then the chances are, that if there is a fire down town, and if I wanted to go down Church Street, there are a good many trucks standing along there, and I would see coming out of the house there, where the Broadway railroad comes down, and at the station 237, firemens' headquarters—I have seen 1987 me turn out from three cars from Spring to Prince, and pulling between trucks there, and it causes a delay, and in getting to the station we would be behindhand probably 7 times out of 10.

*By Mr. Evarts:*

- Q. Those trucks remaining there over night? A. Yes, sir. Q. Without any horses? A. Yes, sir; some of them.

*By Mr. Wickes:*

- Q. Have you not observed that street-cars run at night also? A. Yes, sir. Q. To what hour of the night do they run? A. I think that they run to two o'clock; somewheres around there—one or two o'clock—I cannot state exactly what time, but I

know I have gone out at half-past twelve and I met 1988  
the cars.

Q. Don't some cars run all night? A. I don't believe they do, on the Broadway line; no, sir.\* Q. I don't refer to the Broadway and Seventh Avenue line alone, but I mean generally throughout the city?

A. Well, some of them do; yes. Q. Don't the Sixth Avenue and Third Avenue cars run all night?

A. Well, I don't have much traffic over there myself. Q. You say most of the fires occur at night?

A. Yes, sir. Q. Do most fires occur before or after midnight? A. They generally start between the hours of nine and twelve. Q. That is in the three hours previous to midnight? A. Yes, sir, that is my experience; that is the largest fires I have seen occurred at that time. Q. And during those hours 1989

of the night, street-cars are running, are they not?

A. Yes, sir. Q. And you would therefore have the same reason to avoid car tracks between nine and twelve at night that you would during the day time?

A. Yes, sir.

A. Yes, sir.

A. Yes, sir.

*By Mr. Bright :*

Q. Do your wheels fit the track? A. They do; yes, sir. Q. You have, how many runs a month?

A. Well, we average twenty-five, I guess. Q. Make good time? A. Yes, sir. Q. Go in every direction?

A. Yes, sir. Q. Take the shortest course? A. Yes, sir. Q. How many break-downs have you had within the last year? A. I have not met with any yet. Q. Hasn't any railroad managed to break you 1990

down yet? A. Yes, sir; I came down Wooster Street the other night, and I threw one of my horses on a car track at Canal Street. Q. If you were traveling on Broadway, and made a very short turn, it would perhaps throw your horses, too, wouldn't it?

A. No, sir; I don't think it would. Q. Suppose you made a very short turn, for any reason, would not you be liable to throw your hind wheels? A. Yes, sir. Q. Whether you did it on account of a railroad track, or for any other cause? A. Yes, sir. Q. How about the stages on Broadway; do they give you a great deal of trouble? A. Well, they do occasionally; yes, sir. Q. Are there lots of them? A. Well, I should judge two-thirds of the vehicles there were stages. Q. Seem to be more of them than anything else? A. Yes, sir. Q. Give you more trouble than anything else? A. Well, I won't say

- 1991 that ; there are some that are contrary, and there are some contrary truck-drivers too. Q. How about the trucks on Broadway ; do you think there are more trucks there than need be ? A. Well, that I could not say. Q. You have not formed an opinion on that ? A. No, sir ; but I know that if I ring the gong for them, pretty much all of them will give me a chance to go through. Q. Suppose there was a railroad in Broadway, and you wanted to go to a fire on Sunday morning, and there were no trucks or cars, and you wanted to run all the way up to Union Square, would you go in one of the tracks ? A. No, sir, I don't think I would ; I think I would straddle the track. Q. Why wouldn't you go to the side of the track ? A. I could not very well keep the apparatus straight, because it would slip on the side ; there is more or less of a slope on Broadway. Q. Are you not mistaken about any slope in Broadway ? A. No, sir, I ain't, there is a slope there in Broadway. Q. Don't you, as a rule, have to take the right of Broadway now, going up town in case of fire ? A. No, sir ; I don't know as I do. Q. What do you do ; what do you mean by that ? A. We generally go to the right of the centre—we have the centre cleared. Q. Do you have trouble ever on the side of the street—the right side of the street ? A. Well, occasionally ; very seldom, though. Q. Suppose you wanted to travel from Fourth Avenue and Fourteenth Street down to Houston Street, how would you go ? A. I would take Broadway. Q. 1993 You would go up to Broadway, and down, and would reach Houston Street and travel across ? A. Well, it all depends where the fire would be. Q. Suppose it is east of the Bowery—just east of the Bowery ? No, I would take Fourth Avenue then. Q. Would not hesitate a minute ? A. No, sir. Q. You wouldn't think of going down Broadway ? A. No, sir ; not if it was east of the Bowery. Q. At the Bowery ? A. Oh, if it was anywhere in the middle, or between the Bowery and Broadway, or near Broadway, I would take Broadway. Q. Oh, yes ; if it was nearer Broadway, undoubtedly.

*By Commissioner Harris :*

Q. Is there any travel of any kind in Broadway after 9 o'clock ? A. Nothing ; only the stages. Q. Stages about all ? A. Yes, sir. Q. If the stages were out of the way there would not be any travel

there at all, would there? A. Not much after 9 1994 o'clock.

*By Mr. Fuller:*

Q. You say if there was a railroad in Broadway, and no cars on the rail, and no trucks in the street, or carriages, that you would drive on the side of the street? A. I would straddle the track. Q. Do you say that Broadway is rounded up in the centre? A. Yes, sir. Q. I believe most of the streets are? A. Yes, sir. Q. Wouldn't your truck run steadier if you put one of your wheels in the rail, and so keep you on the crown of the hill, and wouldn't you go much more rapidly? A. Well, I wouldn't put one wheel in at all; if I put two wheels in I could. Q. If you had no obstruction you could run right 1995 straight through with both wheels in the track; that is so, is it not? A. Well, all the time I would make I would lose by pulling out. Q. Supposing you were to start here from the City Hall, and go up to Union Square in the rail all the way, couldn't you run faster in the rail than you could out of it? A. I could, certainly, if there was nothing to obstruct me; I could certainly go quicker up to Fourteenth Street. A. Now, where is your engine located? A. 99 Wooster Street, right near Spring. Q. Supposing you were going down to Mercer Street or Church Street and Canal Street, how would you go down? A. Church Street and Canal Street? Q. Yes, sir? A. Well, there is Church and Canal; I would go down Wooster Street; I would not cross 1996 there. Q. I guess you are a pretty good driver; you would not go up to Broadway? A. No, sir.

JAMES SLATER, called as a witness on behalf of the city, being duly sworn, testified as follows:

*By Mr. Beaman:*

Q. How long have you been in the Fire Department? A. About eight years. Q. And what have you been doing during those eight years mostly? A. Driver, off and on. Q. Driver? A. Yes, sir. Q. Are you driving now? A. Yes, sir. Q. What engine do you drive now? A. 20 engine. Q. Where is your station-house? A. 47 Marion Street. Q. Did you hear the testimony of the last witness? A. Yes, sir. Q. Do you agree with him in what he

- 1997 says about the use of Broadway? A. Yes, sir. Q. Would a railroad in Broadway, in your opinion, make it more difficult to get promptly to a fire? A. Yes, sir. Q. On the line of Broadway, or near Broadway? A. Yes, sir. Q. You are in the habit now of taking Broadway whenever you can? A. Yes, as a general thing. Q. Because that is a street that is always clear? A. Yes, sir. Q. That is a street that is clear for you more than any other street? A. Yes, sir. Q. During your eight years' service in the Fire Department where have been the most destructive fires? A. Well, as a general thing, down around the dry goods district. Q. The dry goods district that has been described? A. Yes, sir. Q. And in order to get to the dry goods from your station-house, you invariably take Broadway, do you not? A. Yes, sir; take Broadway. Q. Now please explain to the Commissioners why a delay would occur if a railroad should be laid in Broadway? A. Well, my opinion is that going down there, to make any time at all, you would have to check up and ease up, and turn out, in case there was a car, in case there were railroad tracks there; you cannot swing out of a track at full speed; if you do you are liable to land yourself in the gutter; that is my opinion. Q. Liable to break down your apparatus? A. Yes, sir; the chances is.
- Q. Did you ever see an engine broken down in that way? A. No, sir; I never did, coming out of a track, but it is generally the case they do. Q. 1999 Have you ever seen an engine strained or injured by pulling out of a track? A. Yes, sir. Q. In what respect? A. Well, turning out of the track into the gutter; our own engine got strained that way, her hind axle. Q. What happened to the axle to break it? A. It did not break, it bent, and we had to lay her up for a month or so. Q. Had to send her to the repair shop? A. Yes, sir.

*By Mr. Bright:*

Q. How long have you driven? A. Well, about three years, all told. Q. Have you ever broken your engine driving? A. No, sir. Q. In no street whatever? A. No, sir. Q. And are you in the habit of driving in railroad streets as well as Broadway? A. Yes, sir.

*Commissioner Harris:* If there was a fire at the foot of Grand Street, how would you go? A. Well,



Grand Street, sometimes Grand and sometimes 2000 Broome.

JOHN GUNNER, called as a witness on behalf of the City, being duly sworn, testified as follows :

*By Mr. Wickes :*

Q. Mr. Gunner, you are a police captain, I believe? A. I am, sir. Q. How long have you been connected with the Police Department? A. Twenty-four years next April. Q. And during your term of service as a police officer, have you had anything to do with street cleaning? A. I was the chief officer in the Street-Cleaning Bureau from August or September, 1875, until May, 1879. Q. Four years? 2001  
A. Yes, sir; about four years. Q. Winter and Summer? A. Yes, sir; Winter and Summer. Q. Are you familiar with the process of cleaning the streets? A. Yes, sir. Q. Both seasons of the year? A. Yes, sir. Q. It is more difficult to clean a street in which a railroad track is operated than where there is no railroad track? A. It is, sir. Q. Takes longer? A. Yes, sir, it takes longer. Q. Costs more money? A. Yes, sir, costs more money. Q. Why—please explain why? A. Well, you mean in sweeping or the removal of snow? Q. The removal of snow. A. It is on account of the track; the horses and carts being in the track, every time a car passes by, they have to get out, and they cannot remove many loads—they cannot remove so many 2002  
loads as where there isn't any railroad track; that is where the street is cleaned fully. Q. For many years past, in your experience, the street-car companies have operated sweeping-machines and snow-plows, have they not? A. They have, sir. Q. And thus they pile up the snow on either side of their tracks? A. They do, sir. Q. And isn't snow so piled up more difficult to handle than snow that is evenly spread upon the ground? A. As a general thing it is. Q. Why is that? A. The packing of the snow; the snow-plow goes along, and then the snow is piled on each side, and then comes the broom and throws the dirt on top of it, and of course, when it gets wet and packs, it makes it more difficult to remove; in a large number of instances we have to use picks—in almost every instance we have to use picks for the removal of snow where it

2003 is piled up ; but where it is level on the street, and it is removed a short time after it has fallen, as a general thing it can be removed with a spade or shovel.

Q. Isn't this frequently the case, that where a heavy snowfall occurs, and the snow-plow piles up the snow, that the sweeper is constantly driven through the street and throws up water and slush on this embankment, and that it then freezes at night? A. After the railroads have cleaned the tracks and the sun comes out, there is more or less running water in the tracks all the time, making a slush, and the broom comes along and throws that right on top of it. Q. And it frequently freezes at nightfall?

A. If it freezes, it is very difficult to remove—if it freezes. Q. Is snow thus solidified in this way difficult to handle? A. It is, sir, where it is solidified, it is very difficult ; I have known instances—one instance I remember particularly on the 14th of January, 1877, where I cleaned Broadway, I had some 500 laborers, and some 400 horses and carts, and I removed something like—I cannot remember exactly—about 5,000 loads ; but it was more like rock than snow, from the fact that it had been raining and frozen very hard, and we had to pick it all up ; we twisted that day some 300 or more of picks. Q. So that they were useless? A. So that we had to send them to the blacksmith's shop and have them repaired and hardened. Q. What is the cost of cleaning Broadway? A. Well, I cannot answer 2005 that to the fraction of a dollar, but to the best of my recollection it cost—I think the pay-rolls were about \$3,000 a month on Broadway ; there were generally about twenty-seven horses and carts, and those cartmen would average from \$85 to \$90, to \$95 a-piece. Q. Never mind the details? A. Oh, about \$3,000 a month without snow—say \$36,000 a year. Q. How much would it cost to remove from Broadway a foot of snow? A. Well, the day I spoke of, that was the 14th of January, 1877, I spent 3,500 and some odd dollars. Q. For that one day's work? A. For that one day's work, sir. Q. I will come again, for a moment, to the snow-plows and sweeping-machines ; all the railroads in the city use them, do they not? A. They do, sir. Q. And they are considered to be the most improved appliances for that purpose? A. They are considered to be the most approved appliances for that purpose.

Q. And the City of New York has attempted to 2006  
 enforce an ordinance to prevent their use, has it  
 not? A. It has; that was an ordinance passed the  
 26th day of February; the ordinance was passed on  
 February 26th, I think, 1875, requiring the railroad  
 company to get a permit from his Honor the Mayor  
 to clean the snow from between the tracks, and the  
 ordinance states that they shall level it, or remove it  
 so that other vehicles can get in to the curb; we un-  
 dertook to enforce that ordinance, and it was taken  
 into the Supreme Court, and I believe they got an  
 injunction—I believe it was under Judge Spier—and  
 the ordinance has been a dead letter ever since;  
 there were some railroads, when I was in the Street  
 Cleaning Department, which did assist us in remov-  
 ing snow, and gave us some help; the Twenty-third 2007  
 Street Railroad in particular. Q. Allow me to ask  
 you one question that will perhaps cover the entire  
 ground; didn't the Broadway and Seventh Avenue  
 Railroad Company, the Eighth Avenue Railroad  
 Company, the Ninth Avenue Railroad Company,  
 the Twenty-third Street Railroad Company, the Dry  
 Dock, East Broadway and Battery Railroad Com-  
 pany, obtain injunctions to prevent the Police  
 Department from enforcing this ordinance, and did  
 not the Supreme Court and the Court of Common  
 Pleas sustain those injunctions? A. Yes, sir; to  
 the best of my recollection those are the railroads.

*Mr. Bright*: It was a void ordinance, was it not?

*The Witness*: To the best of my recollection 2008  
 they sustained it.

Q. Referring to the cost of cleaning streets where  
 railroads are—in summer time is that cost increased  
 when a street railroad runs through the street? A.  
 Yes, sir; it is more difficult for men to sweep on  
 account of the rail; when they go between the  
 tracks, they cannot push their broom so that it will  
 take the dirt over the track, and they to have put  
 it out and in, and then throw it over, and then  
 sweep it again. Q. Are you familiar with the pro-  
 visions of Chapter 742 of the Laws of 1871, relating  
 to the obstructions of fire-hydrants by snow? A.  
 Yes, sir; there was a law of that kind passed. Q.  
 After snowstorms, is it usual for the police to notify  
 owners to obey that law? A. It is the duty of the  
 police to notify owners to remove the snow from in  
 front of the fire-hydrants to a distance of ten feet.  
 Q. Does the operation of the snow-plow and street-

- 2003 cleaning machines interfere with the obedience to that law? A. Well, they make no distinctions between the fire-hydrants and the lamp posts. Q. How far is the snow thrown from the track? A. I will speak of Fifty-ninth Street; that is where my station-house is; up there it throws it on the sidewalk. Q. And fire-hydrants are blocked as soon as the snow-plow or sweeping machine passes through the street? A. Yes, sir; the snow plow equalizes it right along. Q. In case a fire-hydrant is blocked in that way, and a fire breaks out, engines and other apparatuses would be delayed in getting into position, would they not? A. They can't get there unless it is removed. Q. Have you seen that? A. Yes, sir; I have seen that; you ask me about a fire? Q. 2010 Yes, sir? A. I could not say that I have seen that; I have no recollection of that. Q. Have you ever known citizens declining to clean around the fire-hydrants on the ground that the railroad companies had thrown snow there? A. I know in one instance in Fifty-ninth Street, it is not over fifty feet from the station-house, where the citizens had declined to remove the snow from around the hydrants, where it was choked up, and we notified them again, and they declined to do it, and the Fire Department notified them, and they declined to do it, and they gave their reason for declining; they said that they had cleaned it once, and that they thought that was sufficient, but that the railroad had thrown it up there, and inasmuch as they had thrown it up there, and not they, they refused to clean it away. Q. 2011 Would, in your opinion, a street railroad in Broadway be the cause of increased expense to the Street Cleaning Department of this city? A. I think it would, sir, for the reasons I have stated. Q. Can you state to what extent or to what amount? A. I could not, sir. Q. Could you approximate it? A. I could not state to what amount. Q. But you are convinced that there would be an increase of expense? A. I think there would be an additional expense, speaking from my experience on other avenues and streets.

*Mr. Wickes* : I will call your Honor's attention, while I am on this subject, to this provision of Chapter 742 of the Laws of 1871, Section 6: "No person shall in any manner obstruct the use of any fire-hydrant in said city, or allow any snow or ice to be piled upon or around the same, or have or place.

or allow to be placed, any material in front thereof, 2012 from the curb line to the centre of the street, and to within ten feet from either side thereof, and all snow or ice accumulating within such space, shall be removed by the owner or owners, lessee or lessees, of the premises fronting the same, in the same manner as is prescribed for the keeping clean of the sidewalk, under a penalty of \$10 for each and every such offence; and any and all material found as an obstruction as aforesaid may be forthwith removed by the officers or employees of said Commissioners, and at the risk, cost and expense of the owner or claimant; and said Commissioners may take all proper measures to keep said hydrants from freezing and in proper condition for use at all times."

*Commissioner Vance:* Is that a statute or an ordinance? 2013

*Mr. Wickes:* That is from the Statute Laws of 1871, Chap. 742, "An Act in relation to storage and the keeping of combustible material in the City of New York, the use and control of the Fire Alarm Telegraph, the encumbrance of hydrants, and other purposes connected with the prevention and extinguishment of fires therein, and imposing certain terms and duties upon the Board of Fire Commissioners of the said City."

Q. Have you known of any instance where the Corporation Counsel has prosecuted any owner or lessee for disobedience to that Statute? A. No, sir.

*Mr. Wickes:* That is hardly a fair question; 2014 no one knows better than my learned friend, that it is not his duty; it is not the duty of the Corporation Counsel to prosecute in such cases; have you ever known of the Corporation Attorney doing it? A. O, yes, sir; some time ago I made a complaint to the Fire Department of Mulholland at Sixty-ninth Street and Seventh Avenue, having a fire-hydrant with stone around it, and he was fined about it: Q. Is that the only instance you know? A. Well, we make our complaints to the Corporation Attorney, and, of course I don't know all that he does. Q. You don't know where the Corporation Attorney has prosecuted an owner or lessee? A. No, sir; none that I can think of. Q. But do you think that his remissness, or the remissness of the officials in that respect is an argument against a railroad on

2015 Broadway? A. I don't know anything about his office, sir. Q. In cleaning Broadway, did you do any more than your duty? A. I did all that the law required. Q. And does the law apply to all streets just as it does to Broadway? A. Yes, sir. Q. As to removing dirt and snow? A. No, sir. Q. Is there any law applying to Broadway exclusively in that respect? A. That was a law—under a contract they required. —

Q. Don't speak of a contract; is there any law that you know of that makes any special provision as to your duty in Broadway different from other streets? A. No more than there is a reason for it.

Q. No, no; I don't want the reason; I suppose there is a reason for performing your duty, even in  
2016 Twenty-third Street; now you can remove a pile of snow in Broadway in what time—an ordinary fall?

A. the removal of snow depends upon the density of the snow; sometimes we can remove it immediately, as soon as it falls, and sometimes it is not fit to be removed in twenty-four hours. Q. Can it be removed in twenty-four hours? A. It depends upon the density of the material. Q. As-

suming any condition of density you please; within what limit of time can you remove it?

A. I would like to explain; when snow falls in the public streets and it is very light, in taking it up it flies all away; if the snow is damp and packed, we can take it up and throw it in our carts right off. Q. Take it as it is then; can you

2017 do it under ordinary circumstances in twenty-four hours? A. Yes, sir. Q. Snow, within twenty-four

hours, does not become packed in such a condition as to break your picks to the extent of hundreds?

A. No, sir; unless it freezes. Q. When snow falls, and is dense enough to be conveniently handled and removed, do you have to sweep it into piles? A.

We shovel it up into piles, and then in the carts.

Q. And that shovelling into piles is a convenient and necessary method of dealing with it before throwing it into the carts? A. Yes, sir. Q. Suppose

that a sweeper should go through the street—I won't call it a railroad sweeper, but any sweeper—and assume it did not belong to any railroad company, either, and brush all the snow from the middle of the street into a ridge on either side, would that assist or impede your process of removal within twenty-four hours? A. That would stop public

travel. Q. No, no; you have only one interest to 2018  
 protect here—would that assist or impede your re-  
 moval of the snow? A. Will you please give me  
 the question again. Q. Suppose that a sweeper  
 should go through a street immediately after a fall  
 of snow, and brush all the snow from the middle of  
 the street to a ridge on either side, would that  
 assist or impede you process of removal? A. It  
 would assist us. Q. Then, in that case, it would be  
 much cheaper to remove snow from Broad-  
 way than it is now? A. It would, sir. Q. All  
 it would be cheaper? A. Yes, sir. Q. All  
 we are talking about now is Broadway; will  
 you tell me how, if there were railroad tracks in  
 Broadway, and there would be a snow-fall to-night  
 at six o'clock, and a sweeper would go through and 2019  
 throw this snow into a ridge on either side, and you  
 commenced at twelve o'clock to remove it—will you  
 tell me how the presence of rails would increase the  
 expense to the city? A. Yes, sir, I would like to;  
 if the snow is in the proper state, no matter whether  
 the sweeper belongs to the railroad company or not  
 —if the sweeper would go through the street and  
 sweep it on each side, that would, of course, make it  
 an advantage; but the cause of the expense is that  
 the cars are going there, and we cannot load con-  
 veniently; for instance, you take it on the Third  
 Avenue, with the cars running there as they do, a  
 man could not go there and get two loads a day, when  
 he ought to cart from twelve to twenty; that is what  
 I mean. Q. I suppose that is the reason why so 2020  
 many streets are neglected.

*Commissioner Harris:* Could not you do it at  
 night time? A. Yes, it could be done at night time;  
 the reason so many streets are neglected is, that it  
 would cost so much money; the City of New York  
 could not afford to pay for the removal of a large  
 snow-storm; it would cost a million of dollars; it  
 was estimated in 1877 that the snow that laid in the  
 streets at that time, would cost over a million  
 dollars to be removed, and that was estimated by a  
 competent person; and another thing is there are  
 not enough horses and carts in the City of New  
 York to remove the snow from the entire city. Q.  
 Then you agree perfectly with the railroads as to  
 their inability to clean the streets? A. No, sir; the  
 railroads in some instances, I say, do help us; the  
 railroad companies can remove snow better than the

2021 city, if they will do it, and they have done it in some instances that I am ready to state if the Commissioners desire me to. Q. Then, taking the case that I put, of sweeping the snow to the sides of the streets in the evening, and you coming on in the night, your obstructions from vehicles would not exist as it does in the day time? A. No, sir; if the cars were not running in the night time it would be a help.

Q. It will always be night-time within twelve hours of any snow-storm, won't it? A. That I could not say.

Q. Do you know of any exception to that in Broadway? A. I don't know what time the cars would run. Q. If the cars and trucks and vehicles were not running, it would not interfere with your taking up the piles? A. The trucks and vehicles cannot

2022 run in Broadway when there is a heavy snow-storm, they are blocked. Q. In the night-time—I want to convince you—still in the night-time, when there are no trucks and none of those stages, and none of those cabs, and only cars running, and the snow placed for your convenience in piles, between the tracks and the curbs, how can you make that more expensive than if there had been no railroad there? A. I said that would be a help—

Q. Would that be a help? A. I will answer that, if you will allow me; if the snow was thrown up between the tracks and the curb on each side, and there were no cars running, and no vehicles, I will state that the piling up of snow would be an advantage, and beneficial to the Street Cleaning Department. Q. I will take

2023 that as an admission; you are coming over to my side; is it not true, that every car line removes the snow absolutely from the entire middle of the street, both from its tracks and the space between its tracks? A. Yes, sir.

Q. So that you have nothing to remove in a space extending from three or four feet outside of one track, to three or four feet outside of the other track? A.

That is not so. Q. How much is it? A. The width of the railroad tracks, and the space between them—well, will run from fourteen to fifteen feet; when you throw up the snow, it is not one foot or six inches from the railroad track. Q. Then there are

fourteen or fifteen feet, certainly? A. Yes; in the centre of the street. Q. Where the cars run, entirely free from snow, and in which you have no duty? A. Yes, sir. Q. You have the sides



of the street, which may be fifteen feet on 2024 each side, and if there are no trucks, no stages, no cabs, would it be more expensive to remove that, than if there were no cars? A. I think it would, sir; the existence of the cars would make the expense—as I say, I don't think you could get away two loads, when a man ought to get off from twelve to twenty. Q. What, in the night-time? A. Oh, with reference to the night, I think it would be a help. Q. That is all? A. I think if the snow was thrown on each side with the plows and sweepers, and it was removed in the night-time, when there were no cars running and no vehicles on Broadway, I think it would be a saving. Q. You agree to that? A. Certainly. Q. Wouldn't it also be a saving if the cars were running, and no vehicles were there? A. No, sir; it would not. 2025

*By Mr. Fuller :*

Q. Captain, be kind enough to state why. A. I have stated it three times, and I will do it again; if the railroad cars were running, say on half-minute headway, a horse and cart could not get on the track, but they would have to get off again, and it would delay them. Q. What business have they there anyway? A. They could not remove the snow without being there. Q. Could not they drive right into the snow? A. No, sir; you would kill all the horses in the City of New York, and break all the wagons, if you attempted to do it. Q. How much snow would there be in fourteen feet space on either side of Broadway, if, say, six inches of snow falls? 2026 A. Well, we will take Broadway at Prince Street, and it is, say, sixty feet wide from curb to curb on that block. Q. Now take fifteen feet out of that. A. Well, fifteen feet, you throw seven and one-half feet of that on each side; now you take the snow from the sidewalk, and throw it on top of that, and you have got a pile on each side three feet high, and how can a horse and wagon go into that? Q. You mean to say that if snow falls six inches, and you throw it from the sidewalk, and from the middle of the street on each side, that you could not back a cart into the snow and load it? A. Not when the sidewalk is cleaned off. Q. Assuming that a citizen cleans his sidewalk off, and throws it into the street, and you have got twenty-two feet between the rail on either side and the curbstone, and you have an

2027 equal quantity from the sidewalk which you throw in there, do you mean to say that you cannot back a horse and cart in there and load? A. Not without endangering the life of the horse.

Q. Then you ought to send up to Vermont and get sound horses; I have seen it done 15,000 times.

A. Well, you will excuse me for saying what I do, but you evidently don't know anything about removing snow from streets.

Q. I have been on Broadway from 1852, for about thirty years, and there has never been any trouble in removing snow.

A. They didn't remove snow on Broadway at that time, sir.

*By Mr. Wickes :*

2028 Q. We will assume that a snow-plow and a sweeper also has been used, and all the snow between the tracks has been removed to either side, and we will assume that every householder has done his duty, and cleaned the sidewalk, and thrown that snow into the same space, and now we will assume that the Street Cleaning Department comes along. will not that snow be much more difficult to be removed on account of being packed twice by that snow being thrown on it, than if it had remained as it was when it fell? A. Certainly; yes, sir. Q. And is not the snow also packed by the passage of vehicles through it? A. Yes, sir; certainly. Q. Did you ever see a street in New York in the condition described by Mr. Bright, where there were no street-cars, no vehicles, no apparatuses of any kind, nothing  
2029 on it? A. No, sir; I never did. Q. He supposed a case which I think never did and never will exist.

*Mr. Bright :* Well, what is the condition of Broadway every night after 9 o'clock? A. There are vehicles running there, but the travel is very light; it is not used to so great an extent at night-time as during business hours.

Q. Then at 12 o'clock at night, is not the street practically as vacant as it is on Sundays? A. Yes, sir.

*By Mr. Wickes :*

Q. Your attention has been called to various laws; do you intend to say that you are familiar with all the provisions of law relating to street cleaning? A. No, sir; I do not; I only propose to talk from ex-

perience and the laws that I was appointed Inspector 2030  
under.

*By Mr. Fuller:*

Q. Could you back a horse and cart into two feet of snow and load it? A. With risk to the horse, I could, sir. Q. Then it would be a great risk for a horse to back him into two feet of snow? A. Why, certainly; it is a very difficult thing to do; why do they use sleighs? Q. Because there is snow. A. And because it is difficult for vehicles to get through snow; you can't work a cart-horse all day long in two feet of snow; you can't work him in one foot of snow. Q. You only have to back your horse up towards the curb sufficiently to get his head away from the track, and when the cart is loaded, you can drive him off with it; you need not drive him 2031  
through two feet of snow. A. Why, you have to drive your cart in, and then he has got to pull it out; and you would kill a horse working him that way; that certainly ain't the way to remove snow.

*By Mr. Wickes:*

Q. Has anything that has been said to you in relation to sweeping the street, if a railroad track were in Broadway, altered your conviction upon the subject of the increased expense to the Street Cleaning Department, in having to clear the snow away in Winter time, or clean it ordinarily? A. No, sir. Q. You say that would entail an increased expense? A. Yes, sir; I only speak from my experience of four years. Q. As chief officer of that Department? 2032  
A. Yes, sir.

HENRY E. HUGHSON, called as a witness on behalf of the city, being duly sworn, testified as follows:

*By Mr. Wickes:*

Q. Do you know Captain Gunner? A. Yes, sir. Q. Were you employed in the Street Cleaning Department when he was at its head? A. Yes, sir. Q. What position did you occupy? A. I occupied the position of having charge of a certain amount of laborers and cartmen. Q. Were you familiar with the work done when he was there? A. Yes, sir. Q. You had the charge of a large number of men, and

- 2033 were general superintendent under him? A. General superintendent of a certain portion of it. Q. Of a large portion, were you not? A. Yes, sir. Q. Do you concur in what he says as to the increased expense of cleaning a street in ordinary weather, and of removing snow in Winter time where a track is laid for horse-railroad cars? A. Yes, sir. Q. Do you agree with him that such cleaning could be conducted only at a greater expense than in case there was no track? A. I think it is more difficult, and would cost more to remove it—to clean the street where there is a railroad. Q. More difficult, and it would take more time? A. Yes, sir. Q. And hence would involve a larger outlay of money? A. Yes, sir. Q. Well, other things being equal, to clean a street where there was a horse-railroad track
- 2034 it would be more expensive than a street where there was no railroad track? A. Of course, on account of the obstruction of the track; it would be more inconvenient, because it is not as easy to clean a street where there is a track; it ain't as easy to remove the snow; in shoveling it up it would be more difficult where there was a track than it would be if there was no track at all; and then, if the cars were running, it would be still more difficult. Q. When cars are running it would make a delay? A. Yes, sir; it would make a delay. Q. And does the operation of sweeping-machines and snow-plows and the piling up of the snow along the track tend to pack the snow and make it more difficult to handle? A. Yes, sir; it makes it harder; it throws up slush or something of that kind, and when it freezes it makes it very hard to remove. Q. Do you live in New York?
- 2035 A. Not now; no, sir. Q. Have you lived in New York? A. Yes, sir. Q. Did you live in New York when you were in the Street Cleaning Department? A. Yes, sir. Q. And before and after that time? A. Yes, sir. Q. Have you ever known of an instance in your experience in the Street Cleaning Department when the Bureau was able to provide horses and carts and laborers instantaneously in all parts of the city, to remove snow when it was first fallen? A. I don't really understand your question. Q. Has it ever been feasible or possible to provide appliances to remove instantaneously from all parts of the streets of the city a fall of snow? A. No, sir; I don't think it would be hardly possible with the horses and carts that can be had in New York.

Q. You have to do the best you can with the more 2036  
principal thoroughfares, and then take the others in  
the order that they come? A. Yes, sir.

*Cross-examination by Mr. Bright:*

Q. Is it your opinion that there should be no rail-  
road in Broadway simply on account of what you  
think will be an increased expense in removing the  
snow from the sides of the streets where it is thrown  
up by the street-cleaning apparatus? A. I have not  
thought of that; I don't know whether it would be  
my opinion or not; I have no doubt it would be an  
obstruction. Q. Supposing it had cost \$3,000 on  
the occasion referred to by your predecessor to re-  
move a snowstorm, and suppose that there was a  
railroad track there and the snow had been removed 2037  
by sweepers to the sides of the streets, and that you  
had followed those sweepers immediately and had  
removed the snow, doing it in the night time when  
there were no vehicles, how much more than \$3,000,  
or how much less than \$3,000, in your judgment,  
would it have cost? A. I think that would be  
owing to circumstances. Q. Might it, under some  
circumstances, be less? A. It might possibly be  
less; if they could clean it with the sweepers,  
say in the night, and we could follow it right  
up directly, it might possibly be less; and it  
might be less if there were no other vehicles—if  
there were no cars or vehicles of any kind; but if  
the sweeper went along there in the morning, and  
we had to remove it from twelve to seven o'clock in  
the evening or the next morning, then it might 2038  
make a good deal more expense. Q. Why couldn't  
you do it, then, in the daytime just as well as if  
there was a railroad there? A. If there is a railroad  
and cars running, and the amount of travel on the  
street that there usually is, it would be almost impos-  
sible. Q. Can't you go right in from the side streets  
and have the snow piled up there, and go right off  
from the corner? A. We might do that. Q.  
Wouldn't you do it as a matter of course; wouldn't  
you come in from the side streets and take it out,  
block by block? A. We could do that, I suppose.  
Q. Well, wouldn't you? A. But where there is a  
great deal of travel we couldn't get to the snow. Q.  
Of course the more travel the more labor, undoubt-  
edly? A. Yes, sir. Q. I suppose if New York was

2039 a waste there would be less expense for street sweeping ! A. Yes, sir.

WILLIS B. MARVIN, called as a witness on behalf of the property-owners represented by Mr. Fuller, being duly sworn, testified as follows :

Q. You have a store on Broadway, Mr. Marvin. A. Yes, sir. Q. And carry on business on Broadway ? A. Yes, sir. Q. You signed a consent for a railroad on Broadway, didn't you ? A. No, sir ; I don't think I signed any petition for a Surface Railroad on Broadway, not that I remember of. Q. Well, have you ridden on a cable road ? A. Yes, sir. Q. Where ? A. In Chicago. Q. Well, if there is to be a road on Broadway, which would you prefer, a  
2040 cable road, or a surface horse railroad ; A. Oh, I think a cable road would be most desirable.

*Cross-examination by Mr. Bright :*

Q. Do you think a railroad is needed on Broadway ? A. No, sir ; I cannot say that I think a Surface Railroad is needed on Broadway. Q. Not of any kind ? A. No, sir. Q. Do you think that one can be successfully operated there ? A. Well, I should hardly think it could be ; it would seem to me to have considerable obstruction ; at least I think it would find great difficulty in operating it ; it would seem so to me. Q. Well, what do you consider the principal obstruction ? A. Simply the amount of travel on the street. Q. Do you regard  
2041 the stages as a permanent obstruction ? A. What is that sir ? Q. Would the stages be the principal obstruction ? A. Of course they would be removed very largely, I suppose, in case a railroad was there ; that would remove a large amount of stage travel : of course my opinion is only a personal one.

CHARLES E. GILDERSLEEVE, called as a witness on behalf of the property-owners represented by Mr. Fuller, being duly sworn, testified as follows :

Q. Mr. Gildersleeve, where do you reside ? A. 328 West Twenty-second Street. Q. How long have you been a resident of the city ? A. About fifty-seven years. Q. Do you think that a railroad on Broadway would be desirable ? A. I do, sir. Q. What kind of a railroad on Broadway would be de-

sirable? A. I do, sir. Q. What kind of a railroad? 2042

A. If you ask my preferences, I would say a cable

road. Q. Why do you prefer a cable railroad? A.

Because I think it is infinitely superior in the quietness of its operations, and its certainty and reliability. Q. Do you think that a railroad on Broadway

operated by cable would obstruct Broadway more than the stages do now? A. Not so much, or

at least not any more. Q. Do you think they would

carry many more passengers? A. Undoubtedly.

Q. Do you think it would be a benefit to the property on Broadway? A. I am not an owner of property

on Broadway, and possibly I could not answer that question. Q. Well, what is your opinion? A.

My opinion is, that it will ultimately benefit the property on Broadway. Q. Do you think that a

Broadway railroad is needed for the public good? 2043

A. I think that it is; I think that if we take a selfish view of it as property-owners, that we might

say no, but if we look at the future of New York, we should say yes. Q. Well, you think that the

rapid growth of the city requires a road on Broadway to accommodate the people who go up and down?

A. Yes; I think that any one that looks at the construction of the island, will see that it cannot be

longer delayed. Q. What is your opinion of stages on Broadway at this day? A. I think them to be

very unreliable, and a very great nuisance; I never take them if I am in a hurry to go anywhere; I

always avoid them, because I think I can walk faster than I can ride in a stage. Q. Have you ever been

connected in any way with the Fire Department? A. Yes; I was elected Secretary of the Department 2044

at its organization. Q. The present organization? A. Yes, sir; and served for a period of about ten

years. Q. Do you think that a fall of six inches of snow on Broadway, and swept from the centre of

Broadway, on either side of the street and from the sidewalks, would necessarily interfere to any

considerable extent with the removal of snow with horses and carts? A. No, sir, I should judge not;

I resided on Broadway for a period of twenty-one years, and I observed those things very thoroughly.

Q. Do you think that the cleaning of a track fifteen feet, throwing the snow on either side of the street,

is a help to the Department—the Street Cleaning Department? A. No, sir. Q. In piling the snow

up? A. No, sir.

- 2045 Q. Wouldn't they have to do it if it was not done by the railroads? A. Yes, sir; I presume they would. Q. Then wouldn't it save them so much labor? A. Hardly. Q. Well, if you were cleaning the streets, would you prefer the snow lying all over the surface of Broadway, or would you prefer it thrown on either side? A. Most assuredly. Q. On either side? A. Yes, sir. Q. It was stated here by a gentleman this morning that in sweeping the streets it was difficult to get the dirt out of the rails, to get it up over the rails, and as the railroads generally keep the street clean between the rails, and use a plow and sweeper, don't you think it would be an assistance to the Street Cleaning Department to have this dirt thrown out from the tracks on to the side of the street? A. I am not an expert in those matters, and I could only say, as I expressed the opinion before, I would prefer to let the snow lie, and clean the streets; I think it could be done better. Q. Do you think that the rails interfere with fire trucks and engines? A. Well, I can only say this, that when we were organizing the Department we had that matter under serious consideration; rapid movement is one of the very desirable things in connection with fire apparatuses, and in order to accomplish that, I recollect we paid special and particular attention to the building of the engines in such a manner that they would fit in the track, so that the companies in going to a fire could always make use of the railroad tracks. Q. Well.
- 2047 they did make use of it, didn't they? A. Yes, sir: I have been a very attentive observer of all those things; I have been a fireman sixteen years, and in my ten years' service in the Metropolitan Fire Department, I observed that the drivers of the apparatuses almost invariably take the tracks when they can. Q. There is no doubt that the engines and trucks take to the track when they can on account of making better time? A. Undoubtedly: I think the turning out don't compensate for the advantage gained in the quickness, smoothness and easy motion, where the engines are going to a fire on the track.

*Commissioner Lord:* You mean that does not overcome the advantage. A. Yes, sir; that is, that there is a great advantage in taking a track, and that the turning out is only occasional; it is only occasional, and then the driver shouts



to the car, and if it happens to be in a street 2048  
 like Church Street, going up, there is no  
 trouble, as they whip up their horses, and get out  
 of the way; it might happen to be unfortunate if  
 they were going up, and some were coming down,  
 but the difficulty might be greater. Q. Did you  
 ever hear any complaint that it sprung the axletrees  
 of the trucks and engines and strained the horses?  
 A. Nothing serious, no, sir; there is a liability to  
 that, but a great deal depends upon the driver. Q.  
 There is a liability to getting into holes? A. More  
 axles have been sprung in turning corners suddenly  
 and quickly than by turning out of the track.  
 Q. Well, do you think that a cable road on Broad-  
 way would relieve Broadway by carrying any more  
 passengers and taking up less room than stages? 2049  
 A. I think that the conveniences of a cable road  
 would be greater than the stages, undoubtedly. Q.  
 And you can get in and out as well? A. Whether  
 it would relieve Broadway to any greater extent  
 might be a question in the mind of some; I have  
 very little question in regard to it. Q. You think  
 it would bring much more travel on Broadway—  
 that a great many more people would travel over  
 Broadway? A. Yes, sir; I think so; because of its  
 being a central thoroughfare, and easy of access  
 from the side streets, and I think it would be pre-  
 ferred. Q. You think it is much easier to get in  
 and out of a car than a stage? A. Yes, sir; un-  
 doubtedly, yes.

2050

*By Mr. Bright:*

Q. Suppose, Mr. Gildersleeve, there were two  
 parallel roads running across the city, one with car  
 tracks and one without, is it your opinion that the  
 drivers of engines would generally resort to the  
 railroad street? A. Yes, sir. Q. Suppose that the  
 Fire Department on the east side of the city—sup-  
 pose there happened to be a congregation of engines  
 there at about Twenty-third Street, and there was  
 an alarm of fire on the west side near Twenty-third  
 Street Ferry, and these firemen had the option of  
 going through Twenty-second Street or Twenty-  
 fourth Street or Twenty-third Street, what route  
 would they take? A. They would take the route  
 with the car tracks in.

Q. Has that been your observation? A. That  
 has been my experience, except it should happen to

2051 be that the fire is on the adjoining street. Q. Oh, yes, I know ; but I mean merely to get across to the scene of the fire? A. Yes, sir ; I think every fireman—every good fireman—would make it his study how he can get to the fire in the shortest possible space of time ; and in order to do so, he is constantly studying the street, looking out for obstructions ; and if he can take a railroad track it greatly helps him, and he don't hesitate to do it. Q. And you think that the assistance that he derives from the track overcomes all the inconvenience and detention of occasional obstacles, even though the parallel street is comparatively free from traffic? A. Yes, sir. Q. Well, one question about the cable system ; do you think the cable system, owing to  
 2052 its mode of operation and the power by which it is propelled, tends to create respect in the mind of truckmen so that they give less voluntary obstruction? A. Yes, sir. Q. You say that a wholesome fear prevails among that class of people wherever this road is established? A. I think that is the trouble that operates in their mind, yes, sir ; that they can stop a horse-car on account of their being no belt, while they would not be able so readily to stop a cable-car. Q. Then, is it your observation that where the cable is used that this class of people in the public streets shun obstruction to the cable from the motive that I have stated? A. I think so ; yes, sir. Q. A wholesome fear prevails in all those places? A. Yes, sir.

2053 *Commissioner Harris* : If, for any reason, a cable road could not be run, what would be the next best sort of a road? A. I don't know that there is any solution except a horse railroad ; I don't think you could ever get the consent of property-owners to an elevated railroad.

*By Mr. Fuller :*

Q. Do you think that the consent of the property-owners could be obtained for a horse railroad? A. My experience tells me, no. Q. Do you think that a franchise should be granted to any company to build a horse railroad at this age of improvements in Broadway? A. Well, now, if I answer that question, fairly and squarely, I would say that if we couldn't have a cable system, then I might reluctantly acquiesce in a horse railroad.

2052  
 J. W.









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